

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT**  
**AGENDA**  
**ROSE ROOM**  
**CREEKMORE PARK COMMUNITY CENTER**  
**5:30 P.M.**  
**OCTOBER 10, 2017**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES FROM SEPTEMBER 12, 2017**

**III. STAFF COMMENTS AND PROCEDURES**

1. Final Plat – Park Haven Subdivision – McClelland Consulting Engineers, Inc.
2. Zoning Application #5-4-17; A request by Ron Brixey, agent for Alejandro Fuentes, for a zone change from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification located at 7301, 7401 and 7501 Massard Road. (Tabled 4/11/17).
3. Home Occupation #4-10-17; A request by Julia Fulbright Miller for a home occupation for a hair salon at 4223 Johnson Street.
4. Home Occupation #5-10-17; A request by Andres Mejia for a painting and drywall business at 5418 Spradling Avenue.
5. A Subdivision Variance #2-10-17; A request by Nicole Swanson, agent for ERC Holdings, LLC, from required trees and from 10 feet to 5 feet minimum width of the landscape area at 9101 Custer Boulevard.

**RECESS PLANNING COMISSION**  
**CONVENE BOARD OF ZONING ADJUSTMENT**

6. Variance #32-10-17 ; A request by Ken Kupchick, agent for Antioch Consolidated Association for Youth and Family, Inc., for a front yard setback from 25 feet to 8'4.5" at 1420 North 32<sup>nd</sup> Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM; CREEKMORE PARK COMMUNITY CENTER  
SEPTEMBER 12, 2017 - 5:30 P.M.**

On roll call, the following Commissioners were present: Bob Cooper, Jr., Rett Howard, Marshall Sharpe, Sarah Howe, Shane Laster, Don Keesee and Vicki Newton.

Chairman Sharpe then called for the vote on the minutes from the August 8, 2017, Planning Commission. Chairman Sharp stated that the vote for item 1D on the consent agenda should be corrected to note that Rett Howard abstained from the vote. Motion was made, seconded and carried unanimously to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

**1. Final Plat – River City Center, Phase II, Lot 1 – Cedar Creek Consulting, Inc.**

Ms. Brenda Andrews read the staff reporting indicating that the purpose of the plat is to facilitate the development of a church. Jason Emmett with Cedar Creek Consulting, Inc., was present to speak on behalf of the final plat.

No one was present to speak in opposition to this request.

Chairman Sharpe called for the vote on the final plat. The plat was approved by a vote of 7 in favor and 0 opposed subject to the following:

- 1) After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county recorder.
  - 2) A temporary cul-de-sac shall be shown on the final plat submitted for filing.
- 2. A request by Global Surveying Consultants, Inc., for a Master Land Use Plan Amendment from ETJ Low Density Residential to ETJ Commercial Neighborhood at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.**
- 3. Rezoning #18-9-17; A request by Global Surveying Consultants, Inc., for a zone change from ETJ Open-1 to ETJ Commercial Light (C-2) by Classification at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.**

Ms. Brenda Andrews read the staff reports indicating that the purpose of the requests was to change the master land use classification and place a commercial zoning district on the property

to accommodate a future commercial development. Ms. Andrews stated that at this time, the applicant had not submitted a development plan.

Ms. Andrews stated that the planning department had received phone calls from two surrounding property owners opposing the requests: Kevin Edwards – 619 Durham Avenue and Brent McGruder – 1608 Wheaton Trace.

Sebrina Ricks with Global Surveying Consultants, Inc., was present to speak on behalf of the requests. Ms. Ricks confirmed that a Dollar General store was proposed for the site.

The following people spoke in opposition of the requests citing concerns regarding increased traffic on Durham Avenue and incompatibility with the surrounding residential development: Tommy Tuck – Glassplant Road; Jeanette Chronister – 703 Durham Avenue; and Kevin Edwards – 619 Durham Avenue. On a show of hands, approximately 15 people indicated they were opposed to the requests.

**2. A request by Global Surveying Consultants, Inc., for a Master Land Use Plan Amendment from ETJ Low Density Residential to ETJ Commercial Neighborhood at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment request. Commissioner Newton moved and Commissioner Howard seconded the motion to include staff comments. The vote was four in favor and three opposed (Howard, Howe, and Newton)

**3. Rezoning #18-9-17; A request by Global Surveying Consultants, Inc., for a zone change from ETJ Open-1 to ETJ Commercial Light (C-2) by Classification at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.**

Chairman Sharpe called for the vote on the zoning application. Commissioner Newton moved and Commissioner Howard seconded the motion to include staff comments. The vote was three in favor and four opposed (Howard, Howe, Sharpe, and Newton)

**4. Conditional Use #22-9-17; A request by Nicole Swanson, agent for ERC Holdings, LLC, for a conditional use for a dog park at 8204 Veterans Avenue.**

Ms. Brenda Andrews read the staff report indicating the purpose of the request was to develop a dog park with a running yard, exercise yard, small breed location and parking area. The applicant proposes to donate the dog park to the City of Fort Smith. Nicole Swanson with ERC was present to speak on behalf of the application. No one was present to speak in opposition to the request.

Chairman Sharpe called for the vote on the request. The vote was 7 in favor and 0 opposed subject to the following:

Staff recommends approval of the applications with the following comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
  - Submittal of a landscape plan for staff review prior to the development of the dog park. Trees proposed shall be limited to the trees on the Fort Smith Utility Department “Utility Friendly Tree” list.
  - The driveway approach shall be constructed in concrete in accordance with the Driveway and Curb Regulations in Article III of the city’s code of ordinances.
5. **Conditional Use #21-9-17; A request by Christopher Braund, agent for Robert Hines, III, for a conditional use for a parking lot at 100 North 9<sup>th</sup> Street.**
6. **Variance #30-9-17; A request by Christopher Braund, agent for Robert Hines, III, for a variance from 10 feet to 3 feet minimum width of the landscape area at 100 North 9<sup>th</sup> Street.**

Ms. Maggie Rice read the staff report indicating the purpose of the requests was to develop a parking lot. She indicated that the applicant had also submitted a companion variance application requesting a variance from 10 feet to 3 feet minimum width for the landscaping buffer. Ms. Rice stated that the property is located within the Central Business Improvement District, and the CBID had reviewed and recommended approval of the requests.

Mr. Christopher Braund was present to speak on behalf of the requests. No one spoke in opposition of the requests.

Chairman Sharpe called for the vote on the conditional use request. The vote was 7 in favor and 0 opposed subject to the following:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

## **RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT**

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor and 0 opposed subject to the following:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those

described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

**7. Variance #31-9-17; A request by Josh Siebert, agent for John Taylor, for a variance from 50' to 40' interior side-yard setback at 5401 Zero Street.**

Mr. Wally Bailey read the staff report indicating the purpose of the request was to allow for the construction of a 9,840 s.f. building addition to align with the interior setback of the existing building on the west property line.

Mr. Josh Siebert with William's Construction Company was present to speak on behalf of the request. No one spoke in opposition of the request.

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor and 0 opposed subject to the following:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

There being no further business, the meeting adjourned at approximately 6:10 p.m.

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** October 5, 2017

**Re:** Park Haven, Lots 1 -73 Final Plat – McClelland Consulting Engineers, Inc.

Approval of the proposed final plat will facilitate the development of 73 residential lots.

## **EXISTING ZONING**

The property is zoned Residential Single Family Medium/High Density (RS-3). The RS-3 zoning district provides medium to high density, compact single family detached development in new sites or as infill construction.

## **LOT LOCATION AND SIZE**

The property is located south of the Park Meadows subdivision, north of the Elmer H. Cook School Subdivision, west of Fianna Hills I, and east of Stephens to ERC Land Development Group, LLC, Lot 2. The subdivision contains approximately 22.53 acres, and the lots generally range in size from 8,276 s.f. to 10,890 s.f.

## **PROPOSED LAND USES**

Single family homes are proposed.

## **PROPOSED SITE FEATURES**

The subdivision will have sidewalks on one side of all internal streets.

## **STAFF COMMENTS**

We recommend approval of the final plat with the following comment:

- After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county recorder.



**McCLELLAND  
CONSULTING  
ENGINEERS, INC.**

7175 S. 1st Road    9506 S. 2nd St., Chgo.



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[HTTP://WWW.MCCLELLAND-ENGINEERS.COM](http://www.mcclelland-engineers.com)

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# Park Haven Subdivision

Legend



Residential

Residential

Monarch Dental

Medical

Neighborhood Market

Bank

Motel

Planters

Cook Elementary School

Church

Google earth

1000 ft





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** October 6, 2017

**Re:** Zoning #5-4-17 - A request by Ron Brixey, agent, for Planning Commission consideration of a zone request from Not Zoned to a Planned Zoning District by classification at 7301, 7401 and 7501 Massard Road

## **PROPOSED ZONING**

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

## **LOT LOCATION AND SIZE**

The subject property is on the southeast corner of Massard Road and McClure Drive. The tract contains an area of 6.99 acres with approximately 920 feet of street frontage along Massard Road.

## **EXISTING ZONING**

The property currently has no zoning.

## **SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Transitional (T) and is currently being developed as offices.

The area to the east is not zoned and is undeveloped.

The area to the south is not zoned and is undeveloped.

The area to the west is zoned Residential Single Family Medium/High Density (RS-3) and is developed as residential.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Massard Road as a Boulevard and McClure Drive as a Local Road.

### **MASTER LAND USE PLAN COMPLIANCE**

The Chaffee Crossing Future Land Use Plan classifies this site as Mixed Use: Neighborhood Commercial/Office. The proposed PZD will not conflict with the goals and objectives of the Chaffee Crossing Future Land Use Plan.

### **PROJECT BOOKLET**

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **N/A**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **YES**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **YES**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **YES**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Development of the PZD will increase traffic to a minor extent under current conditions. This increase will not be sufficient to be considered adverse.**

- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The development will comply with the FCRA Design Guidelines and the UDO requirements. The landscaping will comply with the FCRA Design Guidelines which are greater than the UDO. 100% high quality materials are proposed in the project booklet.**

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – Three driveways are provided along Massard Road and one driveway is located on McClure Drive. The southern drive will be shared with the adjacent property owner.

**Drainage** – Drainage will be reviewed when specific and final plans are submitted.

**Landscaping & Screening** – Perimeter and Parking Lot Screening comply with both the UDO and the Chaffee Crossing Design Guidelines. More information is required to determine the compliance with the Interior Landscaping for Vehicular Use Areas. This exceeds the UDO requirements.

**Parking** – 229 parking spaces are provided. At this time definite uses and tenants is not known. Parking will be verified at the time of building permit submittal.

**Signage** – Monument signs are proposed for each lot. These signs are to be no larger than 20 square feet in size with a maximum height of 4 feet. This exceeds the UDO requirements.

**Sidewalks** – There are existing sidewalks on Massard Road and on McClure Drive.

**Architectural** – Each façade of every building will be constructed with 100% high quality materials. This exceeds the UDO requirements.

**Lighting** – All site lighting shall be in compliance with CCDG and the UDO.

**Permitted Land Uses** – The proposed land use chart is very limited in terms of uses. The land use chart is included in the project booklet.

### **FACTORS TO BE CONSIDERED**

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road

safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.

- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Thursday, September 21, 2017 and Monday, October 2, 2017 at the Dallas Street Branch of the Fort Smith Public Library. A copy of the attendance records and meeting summaries are included in the packet. Also, enclosed is an email from Brandon Cox with several comments.

### **STAFF COMMENTS AND RECOMMENDATIONS**

This item was tabled by the Planning Commission in April 2017. There were concerns from the surrounding residential property owners regarding some of the uses, elevations, and site design.

The applicant brought the request back with elevations, a land use chart that eliminated some of the uses causing concern, and reduced parking on the site plan in order to allow more greenspace. Additionally, the Engineering Department stated the widening of Massard Road and the installation of a traffic signal at McClure and Massard would occur in late 2018 and early 2019. This eased the concern of the surrounding property owners in terms of additionally traffic on an already busy Massard Road.

If the Planning Commission is inclined to approve the application staff recommend it be contingent upon allowing shared driveway access with the adjoining property owner to the south.

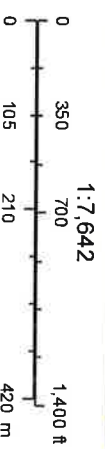
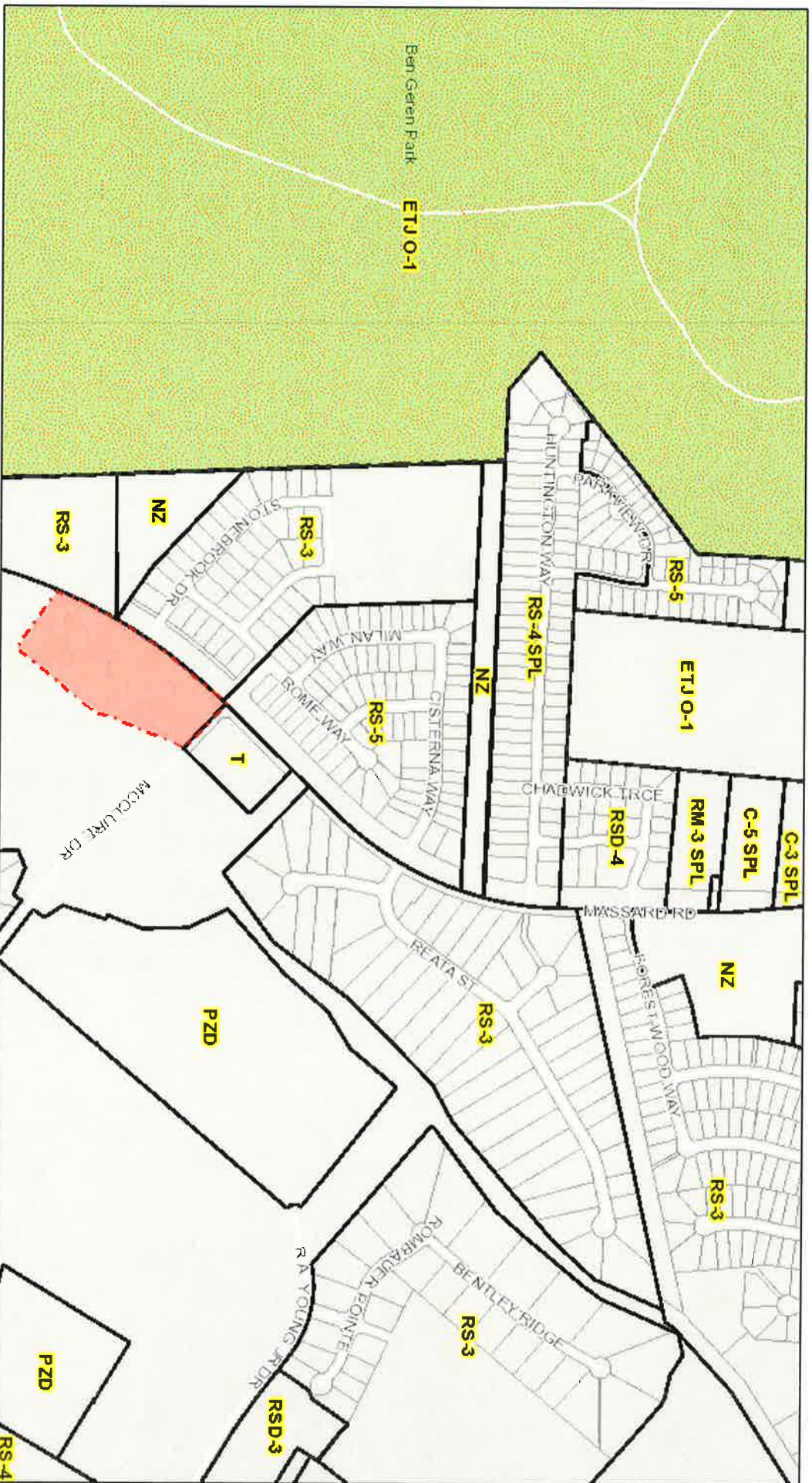


# Zoning Application #5-4-17: From Not Zoned (NZ) to Planned Zoning District (PZD) 7301, 7401 & 7501 Massard Road

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September 19, 2017

-  Fort Smith City Limits
-  Water Bodies
-  Zoning
-  Public Schools
-  Subdivisions
-  Parks







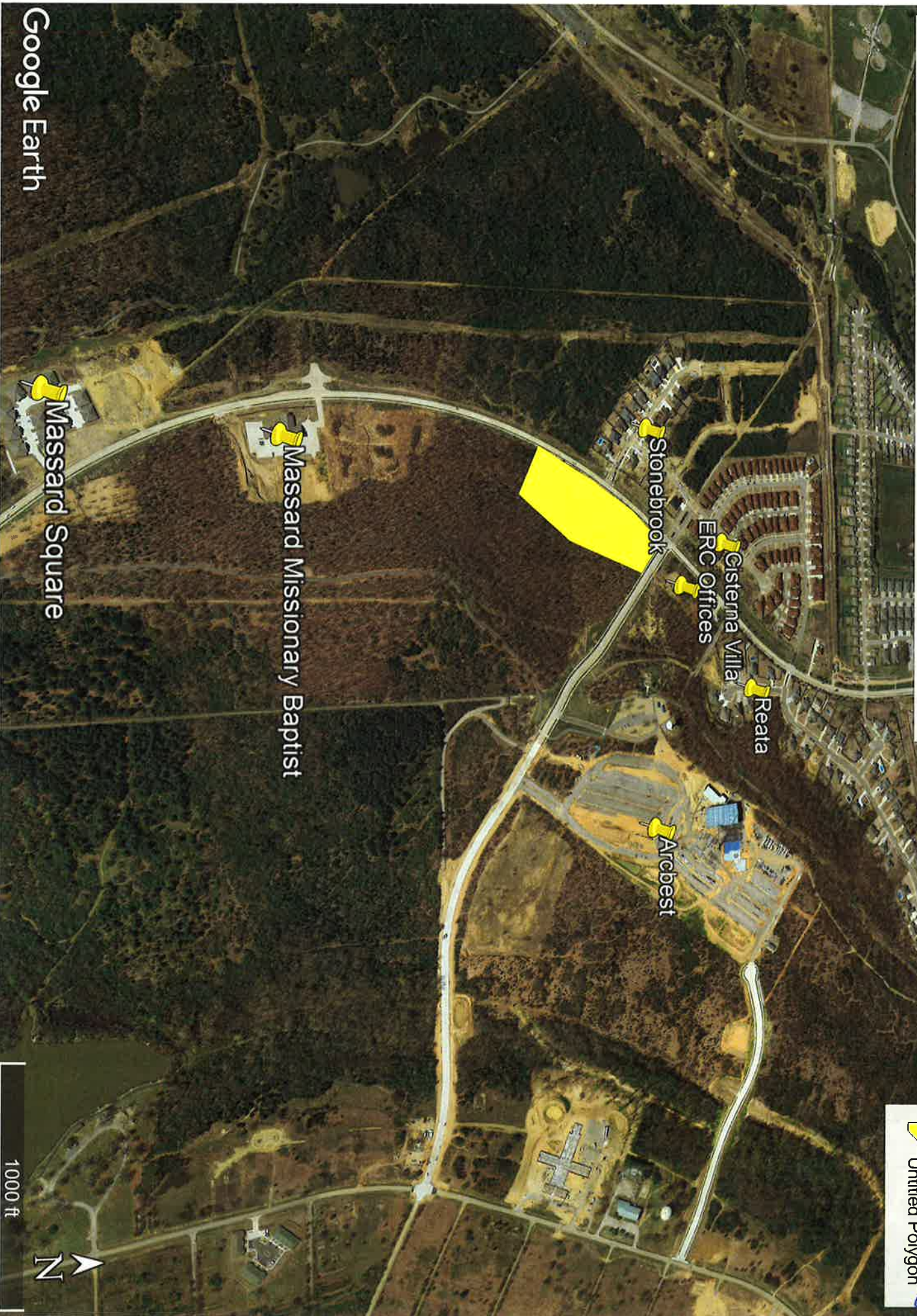
# 7301, 7401, 7501 Massard Rd. Rezoning area PZD

Write a description for your map.

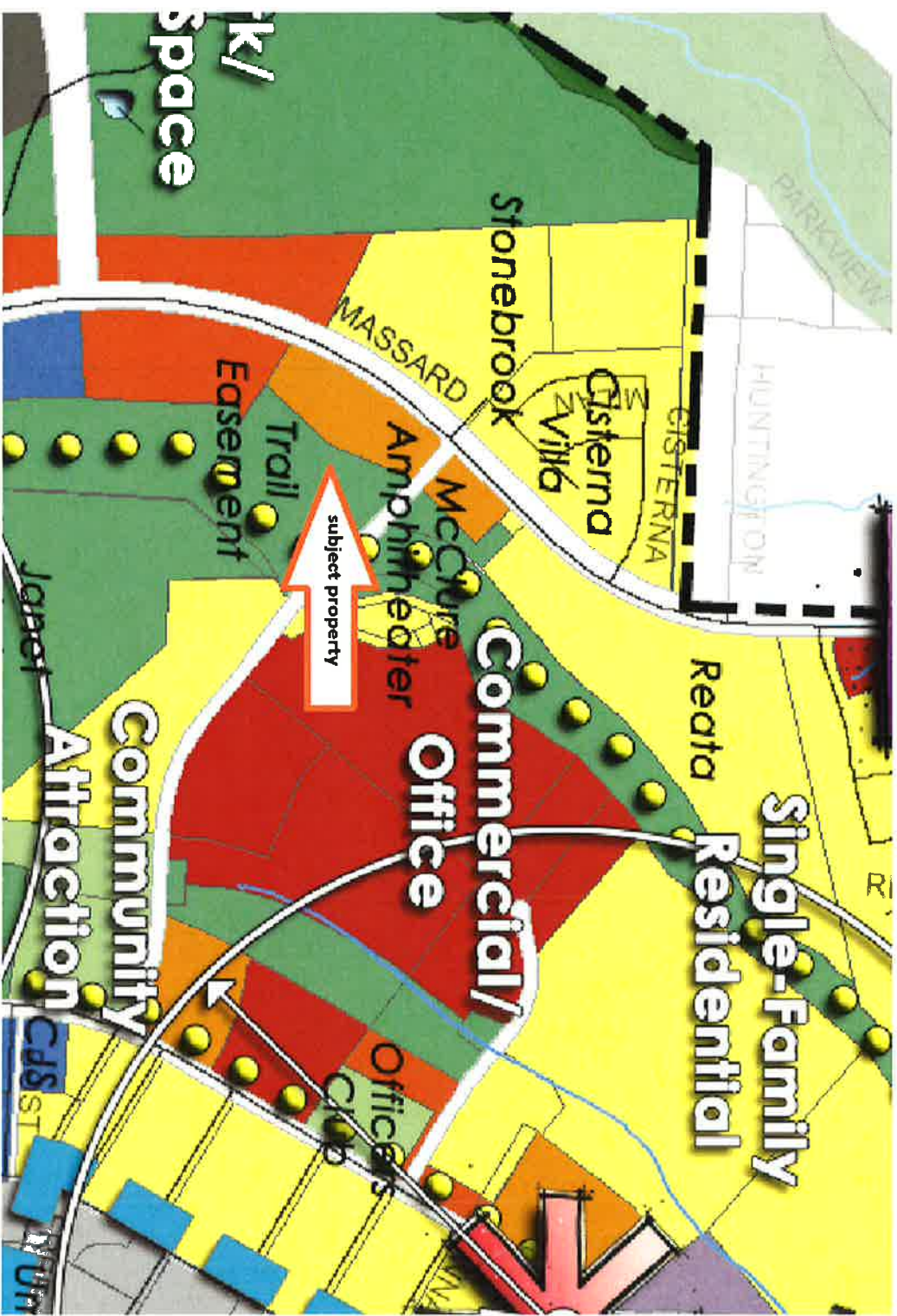
**Legend**

 Feature 1

 Untitled Polygon







- Mixed Use: Neighborhood Commercial/Office
- 70% Neighborhood Commercial: 19 ac.
- 25% Neighborhood Office: 7ac.
- 5% Institutional (post office, library, church): 1.5 ac.

**FUENTES PLAZA  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: FUENTES PLAZA  
AN ADDITION TO THE CITY OF FORT SMITH  
SEBASTIAN COUNTY, ARKANSAS**

**LOCATION: A PART OF GOVERNMENT LOT 1, SECTION 6  
TOWNSHIP 7 NORTH, RANGE 31 WEST  
CHAFFEE CROSSING  
SEBASTIAN COUNTY, ARKANSAS**

**OWNER: ALEJANDRO FUENTES  
8909 ROGERS AVENUE  
FORT SMITH, ARKANSAS 72903  
PHONE: 479-719-9455**

**SUBMITTED TO: CITY OF FORT SMITH  
623 GARRISON AVENUE  
FORT SMITH, ARKANSAS 72902**

**ENGINEERS: BRIXEY ENGINEERING & LAND SURVEYING, INC.  
P.O. BOX 6180  
FORT SMITH, ARKANSAS 72906**

**APRIL, 2016**

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**RONALD BRIXEY  
ARK. REG. P.E. NO. 4456**



**FUENTES PLAZA  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

**3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.**

The subject property is currently not zoned. A change in zoning is needed to allow the development of a pedestrian friendly environment with mixed uses that features commercial retail and services that may be accommodated in multi-use structures. A Planned Zoning District will allow flexibility in standards to accommodate a mixed use development rather than suburban style patterns. It will allow the development to utilize design standards which meet or exceed the minimum required by the UDO.

**3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.**

Alejandro Fuentes, 8909 Rogers Avenue, Fort Smith, Arkansas 72903 Phone 479-719-9455.

**3c. Summary description of the scope, nature, and intent of the proposal.**

The PZD will include an area of approximately 7 acres located at the southeast quadrant of the intersection of Massard Road and McClure Drive. The property to the west and northwest across Massard Road with a Land Use classification of Single Family Residential is being developed for single family residential use. The property to the north, across McClure Drive with a Land Use classification of Mixed Use: Neighborhood Commercial/Office is being developed as an office complex. The property to the northeast, across McClure Drive with a Land Use classification of Park/Open Space is McClure Ampitheatre. The property to the east with a Land Use classification of Park/Open Space is a part of Janet Huckabee Nature Center. The property to the south is undeveloped with a Land Use classification of Mixed Use: Residential/Commercial/Office.

Proposed PZD uses include eating establishments, retail sales, offices, and services. Potential commercial uses include a restaurant, salon, coffee shop, clothing stores, electronic repairs and sales, and a bike shop among others. The intent is to provide a pedestrian friendly environment that features commercial retail and services that may be accommodated in multi-use structures.

**3d. General project scope:**

i. Street and lot layout

See attached Site Plan.

Access to the site will be from Massard Road on the west and from McClure Drive on the North. Massard Road is classified as a Boulevard by the Master Street Plan. It is currently two lane with a 140 foot wide right of way. McClure Drive is classified as a Major Collector. It is currently two lane with a 70 foot wide right of way.

ii. Site plan showing proposed improvements

See attached Site Plan.

iii. Buffer areas, screening, and landscaping

Buffer areas and landscaping will follow City UDO requirements and the FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Neighborhood Commercial/Office land use classification subject to an approved variance from the FCRA design review committee (variance to eliminate landscaping along interior side lot lines). Landscaping will be irrigated.

See attached Site Plan.

iv. Storm water detention areas and drainage

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

v. Undisturbed natural areas

No undisturbed natural areas are proposed.

vi. Existing and proposed utility connections and extensions

See Site Plan.

Water services to the individual lots will be provided by private lines served by master meters. A public sanitary sewer extension will be constructed along Massard Road. Electric service and telephone service lines are proposed to be located underground in the easements delineated on the Site Plan drawing. Gas service is to be located in easements whose locations have not yet been determined.

vii. Development and architectural design standards

Development and architectural design standards will comply with the requirements of UDO Section 27-602 - Design Guidelines and the FCRA Master Development

Guidelines.

viii. Building elevations

Buildings have not been designed. Therefore, elevations are not available.

Architectural design and finishes will comply with the requirements of UDO Section 27-602-4 (C) "Transitional and Commercial Building Design Standards", and with FCRA Master Development Guidelines "Architectural Character".

ix. Proposed signage (type and size)

Monument type signs are proposed for each lot at the locations shown on the Site Plan Drawing. These signs are to be no larger than 20 square feet in size with a maximum height of 4 feet as specified in the FCRA Development Standards.

Facade signs will comply with FCRA regulations. FCRA limits these signs to 10% of the wall area and may not exceed 4 feet in height.

**3e. Proposed development phasing and timeframe**

The development is proposed to be constructed in three lots with each lot being a phase i.e. Lot 1 is Phase 1. As shown on the Site Plan drawing.

Phase one construction is to begin April 1, 2018 and be completed by August 1, 2018.

Phase two construction is to begin August 1, 2018 and be completed by June 1, 2019.

Phase three construction is to begin June 1, 2019 and be completed by March 1, 2020.

All dates are approximate.

**3f. Identify land use designations**

Chaffee Crossing current land use designation is "Mixed Use: Neighborhood Commercial/Office".

**3g. Identify area and bulk regulations**

Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size	1.0 acres
Min. Lot Width at BSL	150 feet
Max. Lot Coverage	60%

Max. Height	30 feet (2Story)
Addnl. Height	see 27-404 D. of the UDO
Setbacks	
Front	25 feet
Side	20 feet
Street side/corner	25 feet
Rear	20 feet
Minimum Street Frontage	150 feet
Minimum Bldg Separation	per current building or fire code

**3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)**

Comparison is between the proposed PZD restrictions and the FCRA Mixed Use Residential/Commercial/Office restrictions.

	PZD	FCRA
Density	12 DU/Acre 30,000 sf Commercial Bldg	12 DU/Acre (Based on Lot Size) Com. Bldg. Size Not Restricted
Min. Lot Size	1.0 acres	3600 s.f.
Min. Lot Width at BSL	150 feet	40 feet
Max. Lot Coverage	60%	NOT SPECIFIED
Max. Height	30 feet (2 Story)	3 STORY
Addnl. Height	see 27-404 D. of the UDO	NOT SPECIFIED

Setbacks		Res	Non-Res
Front	25 feet	20 feet	NONE
Side	20 feet	10'/5'	NONE
Street side/corner	25 feet	20 feet	NONE
Back	20 feet	10 feet	25' w/alley
Minimum Street Frontage	150 feet	NO SPEC	NO SPEC
Minimum Bldg Separation	per current building or fire code	NO SPEC	NO SPEC

**PZD Landscaping**

**Perimeter Landscaping**

Front	20 feet wide, 1 tree & 10 shrubs every 40'
Sides & Back	NONE

Building/Parking Lot Landscaping 1 Shade Tree/8 parking spaces



Parking Lot Screening and Landscaping is to comply with FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Neighborhood Commercial/Office land use classification.

#### FCRA Landscaping

##### Perimeter Landscaping

Front	20 feet wide, 1 tree & 10 shrubs every 40'
Sides & Back	10 feet wide, 1 tree & 10 shrubs every 40'

Building/Parking Lot Landscaping in parking lots with greater than 20 parking spaces, a minimum of 5 square feet of landscape area is required per 100 s.f. of vehicular use area, located in islands distributed throughout the lot minimum area of a landscape area (island) shall be 64 sf with no individual landscape area exceeding 350 sf unless the lot is greater than 30,000 sf in which case no individual landscape area (island) shall exceed 1,500 sf.

1 Shade Tree/8 parking spaces

Parking Lot Screening and Landscaping requirements will comply with FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Neighborhood Commercial/Office land use classification (subject to approved variances from the FCRA design review committee).

#### Exterior Lighting

Exterior building and site lighting shall comply with CCDG and the UDO

- 3i. A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

See Chart 1 - PZD Permitted Land Uses vs. Existing Zone Designations.

- 3j. A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).**

The project will exceed the UDO requirements as follows:

1. Landscaping

The perimeter landscaping strip across the street frontage will be 20 feet wide - UDO requires 10 feet wide

Perimeter landscaping will include one tree and 10 shrubs every 40 feet - UDO requires one tree and 10 shrubs every 50 feet

Parking lot landscaping will include 1 trees for every 8 spaces

UDO does not require trees in the parking lot landscaping

Parking Lot Screening and Landscaping will comply with FCRA requirements as described in the Development Guidelines

UDO requirements are not as stringent

2. Limited Land Uses

The land uses allowed by the PZD will be limited in comparison with those allowed by comparable zoning designations. See Chart 1.

3. Exterior building materials

100% of the exterior building materials will be high quality materials (Brick) UDO requires 51%

4. Signage

Facade signs will comply with FCRA regulations which exceed UDO regulations. FCRA limits these signs to 10% of the wall area and may not exceed 4 feet in height. UDO facade signs are unlimited in size if placed directly on and contained totally within the dimensions of the outside wall.

**3k. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.**

The property to the west and northwest across Massard Road with a Land Use classification of Single Family Residential is being developed for single family residential use. The property to the north, across McClure Drive with a Land Use classification of Mixed Use: Neighborhood Commercial/Office is being developed as an office complex. The property to the northeast, across McClure Drive with a Land Use classification of Park/Open Space is McClure Ampitheatre. The property to the east with a Land Use classification of Park/Open Space is a part of Janet Huckabee Nature Center. The property to the south is undeveloped with a Land Use classification of Mixed Use: Residential/Commercial/Office.

Proposed PZD uses include eating establishments, retail sales, offices, and services. Potential commercial uses include a restaurant, salon, coffee shop, clothing stores, electronic repairs and sales, and a bike shop among others. The intent is to provide a pedestrian friendly environment that features commercial retail and services that may be accommodated in multi-use structures.

2N

#### Land Use

The proposed land use of the PZD property is primarily commercial with the intent of providing services for the adjacent single family residential properties and should have very limited impact on these properties. The commercial portion of the PZD property will provide convenient services for the residential neighboring properties.

The PZD development should have no impact on the adjacent transitional property.

The impact on adjacent un-zoned properties cannot be determined at this time.

#### Traffic

The property in the area of the PZD is gradually being developed at this time with somewhat limited traffic on the access routes. McClure Drive and Massard Road are classified as a Major Collector and a Boulevard respectively. The required rights of way for the two have been dedicated for future upgrades. As development of the area progresses it is anticipated that the City will construct the upgrades. Development of the PZD will increase traffic to a minor extent under current conditions. This increase will not be sufficient to be considered adverse.

#### Appearance

All PZD improvements will be constructed to meet or exceed FCRA requirements which are set up to minimize adverse effects of the appearance of new developments on surrounding properties.

#### Signage

All signage will comply with FCRA and UDO signage requirements and should have no adverse impact on surrounding properties.

**3l. A traffic study when required by the Engineering Department (consult with staff prior to submittal).**

The City Engineering Department has indicated that a traffic study will be required to be submitted with the final development plan that will be submitted with the initial building permit application.

**3m. Statement of availability of water and sewer (state size of lines)**

A 10 inch waterline runs along the west side of the project on the east side of Massard Road. An 8 inch sewer line terminates at a manhole near the northwest corner of the property on the south side of McClure Drive.

All above listed lines are shown on the Site Plan drawing.

CHART 1 - PZD USES VERSES EXISTING ZONE DESIGNATIONS

Fort Smith Use Matrix

Fort Smith Use Matrix																									
Districts																									
P = Permitted Use, C = Conditional Use, A = Accessory Use Size or density restrictions for any use may be noted in the district																									
Residence or Accommodation																									
General Sales or Services																									
Automobile Sales or Service																									
Clothing and personal items (repair)																									
Computer and software shop																									
Electronics and appliances (new)																									
Furniture or home furnishings (new)																									
Durable Consumer Goods Sales or Service																									
Bicycle sales and service																									
Bookstore																									
Cameras, photographic supplies and services																									
Clothing, jewelry, luggage, shoes, accessories																									
Gift shop																									
Sporting goods, toys, & musical instruments																									
Consumer Goods, Other																									
Florist shop																									
Grocery, Food, Beverage, Dairy																									
Bakery or confectionery shop																									
Health and Personal Care																									
Optical shop																									
Pharmacy or drug store																									
Finance and Insurance																									
Bank, credit union, or savings institution																									
Insurance office																									
Rental and Leasing																									
Business, Professional, Scientific, and Technical Services																									
Professional Services																									
Accounting, tax, bookkeeping, payroll																									
Architectural, engineering																									
Offices, general																									
Real estate agency																									
Food Services																									
Restaurant																									
Personal Services																									
Barber shop/salon/spa/massage services																									
Laundry, cleaner																									
Laundry, cleaner (drop-off station)																									
Pet and animal services																									
Pet shop																									
Fitness, Recreational Sports, Athletic Club																									
Fitness studio																									
Health and Human Services																									
Doctor office and clinic																									





VICINITY MAP  
SCALE: 1" = 500'

#### LEGEND

GAS LINE	---
WATERLINE	---
WATER METER	WM
FIRE HYDRANT	+
SAW SEWER SERVICE	---
SEWERLINE	---
WATER SERVICE	---
EASEMENT LINE	---
BUILDING SETBACK LINE	---
OVERHEAD ELECTRIC	---
CONCRETE CURB	---
SIDEWALK	---
CONCRETE PAVING	---

DEVELOPER:  
ALEJANDRO FUENTES  
8909 ROGERS AVENUE  
FORT SMITH AR 72903  
479-264-2282

SETBACKS:  
FRONT = 25'  
SIDE = 20'  
STREET SIDE = 15'  
REAR = 20'

CURRENT ZONING - NONE  
PROPOSED ZONING - P2D

TRASH COLLECTION  
ALL WASTE AND TRASH WILL BE DEPOSITED IN THE PROVIDED DUMPSTERS.

EXTERIOR LIGHTING  
ALL EXTERIOR LIGHTING WILL COMPLY WITH UDD SECTION 27-602.5.

SIGNAGE  
ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY.

#### PROPOSED LANDSCAPING/SCREENING

Landscape Screening shall consist of shrubs of evergreen nature, providing a continuous row of vegetation that is equally effective in winter and summer and be a minimum of 24" at planting. Automatic irrigation will be provided for all landscaping.

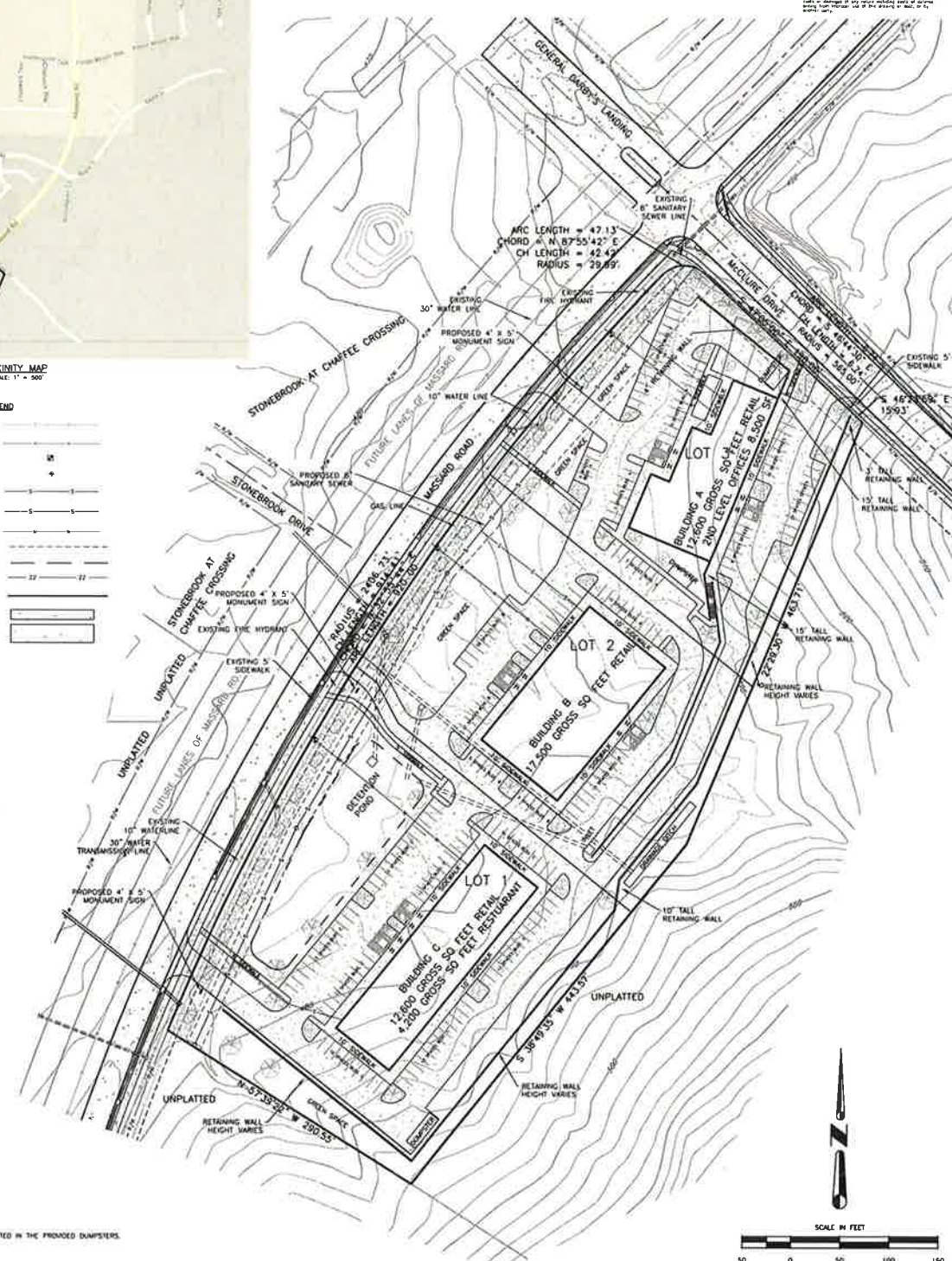
- >>2" CALIPER WILLOW OAK TREE
- REDBUD TREE
- CREPE MYRTLE TREE
- 24" BOXWOOD SHRUBS
- LANDSCAPE ISLANDS
- VERTICAL RETAINING WALL

LOT	GROSS AREA	STRUCTURE AREA	LOT COVERAGE
1	128,000.66 S.F. / 2.89 AC	16,800 S.F.	13.3%
2	83,330.78 S.F. / 2.14 AC	17,500 S.F.	18.7%
3	85,581.75 S.F. / 1.96 AC	12,600 S.F.	14.7%

#### PARKING

BUILDING A - GROSS FLOOR AREA LOWER LEVEL RETAIL = 12,800  
REQUIRED SPACES AT 1 PER 300 S.F. = 42. SPACES PROVIDED = 43  
BUILDING A - GROSS FLOOR AREA UPPER LEVEL OFFICES = 8,500  
REQUIRED SPACES AT 1 PER 300 S.F. = 28. SPACES PROVIDED = 29  
BUILDING B - GROSS FLOOR AREA RETAIL = 17,500  
REQUIRED SPACES AT 1 PER 300 S.F. = 58. SPACES PROVIDED = 60  
BUILDING C - GROSS FLOOR AREA RETAIL = 12,600  
REQUIRED SPACES AT 1 PER 300 S.F. = 42  
BUILDING C - RESTAURANT SEATING 125 WITH 10 EMPLOYEES  
REQUIRED SPACES AT 1 PER 3 SEATS AND 1 PER EMPLOYEE = 52  
TOTAL REQUIRED = 94. SPACES PROVIDED = 97

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FLOOD ZONE STATEMENT  
THE PROPERTY IS LOCATED IN ZONE "X", BEING OUTSIDE THE 500 YEAR FLOOD ZONE, AS GRAPHICALLY DEPICTED ON F.I.R.M. MAP NO. 05131C0130F, DATED MARCH 2, 2012.

#### PROPERTY DESCRIPTION

Part of Government Lot 1 of the Southwest Quarter (SW/4) of Fractional Section 8, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 1 of the SW/4; thence N 87°24'51" W, 60.78 feet along the North line of said Government Lot 1 to a point on the Westerly right of way line of Mossard Road; thence 724.18 feet along the Arc of a curve to the right in said Westerly right of way line, said curve having a radius of 1430.00 feet and being subtended by a chord having a bearing of S 30°00'48" W, and a distance of 716.47 feet; thence S 44°31'17" W, 774.79 feet along said right of way line; thence S 47°05'00" E, 189.37 feet being the Point of Beginning; thence continuing S 47°05'00" E, 189.06 feet along the Arc of a curve to the right, said curve having a radius of 565.00 feet and being subtended by a chord having a bearing of S 46°48'30" E, and a distance of 6.74 feet; thence S 46°23'58" E, 15.63 feet; thence S 22°29'30" W, 483.71 feet; thence S 38°49'35" W, 443.57 feet; thence N 57°39'22" W, 280.54 feet to the Easterly right of way line of said Mossard Road; thence 920.00 feet along the Arc of a curve to the right, in said Easterly right of way line, said curve having a radius of 2406.73 feet and being subtended by a chord having a bearing of N 32°55'44" E and a distance of 914.41 feet; thence leaving said right of way line, 47.13 feet along the Arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N 87°55'42" E and a distance of 42.42 feet to the point of beginning, containing 7.00 Acres more or less.

**BRIXEY ENGINEERING & LAND SURVEYING, INC.**  
CONSULTING ENGINEERS - LAND SURVEYORS  
8223 East Highway 45 P.O. Box 890 Fort Smith, Arkansas 72908 (479) 946-8384



Revised	3/24/12 - SAN SEWER
4/14/12 - PARKING & GREEN SPACE	



**DEVELOPMENT PLAN**  
FUENTES PLAZA  
"CHAFFEE CROSSING"  
CITY OF FORT SMITH  
SEBASTIAN COUNTY, ARKANSAS  
Prepared for: Alejandro Fuentes

Date:	3/26/12
Drawn by:	SSB
Approved:	
Job No.:	12-003
Sheet:	1
Total:	1

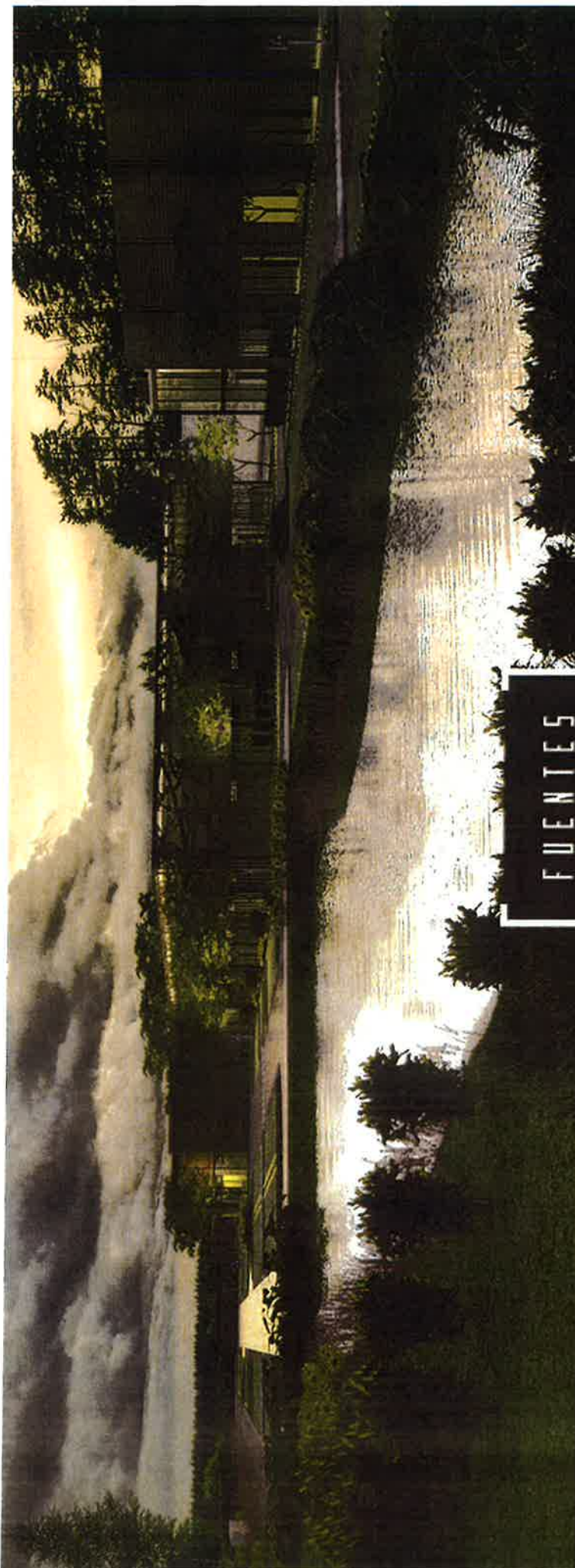
202

# FUENTES

P L A Z A

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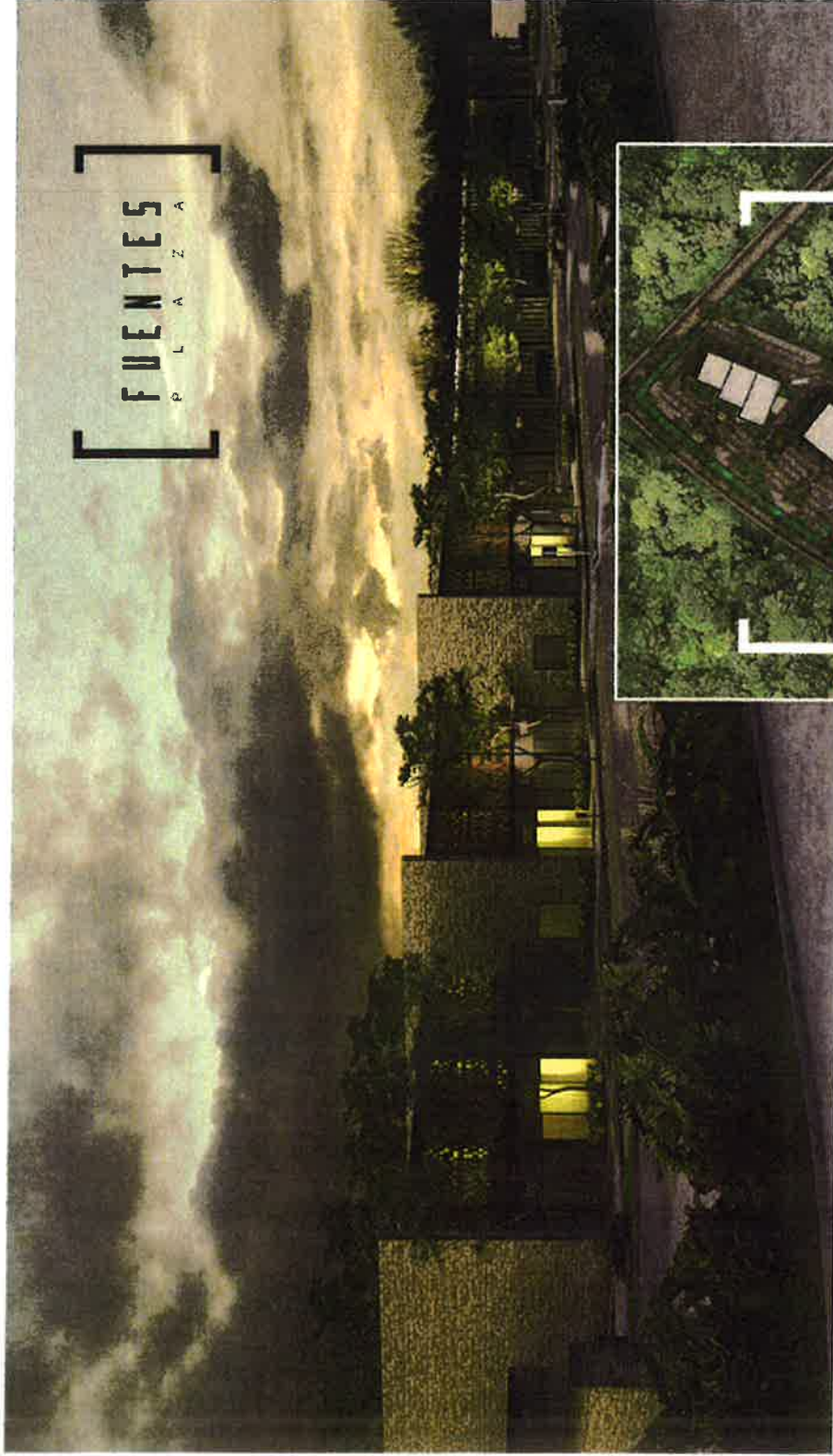


## FUENTES

Avant-garde architecture that also evokes the Mexican regionalism of the twentieth century and the use of transparencies with the implementation of lattices. The use of materials such as steel,

Wood and stone give versatility to the whole as well as topical and timeless.

*Aquí, la arquitectura de vanguardia que a su vez evoca el regionalismo mexicano del siglo veinte y el uso de transparencias con la implementación de celosías. El uso de materiales como acero, madera y piedra dan versatilidad al conjunto así como actualidad y atemporalidad.*



**COMMERCIAL SET**  
CONJUNTO COMERCIAL



[ 3 ]

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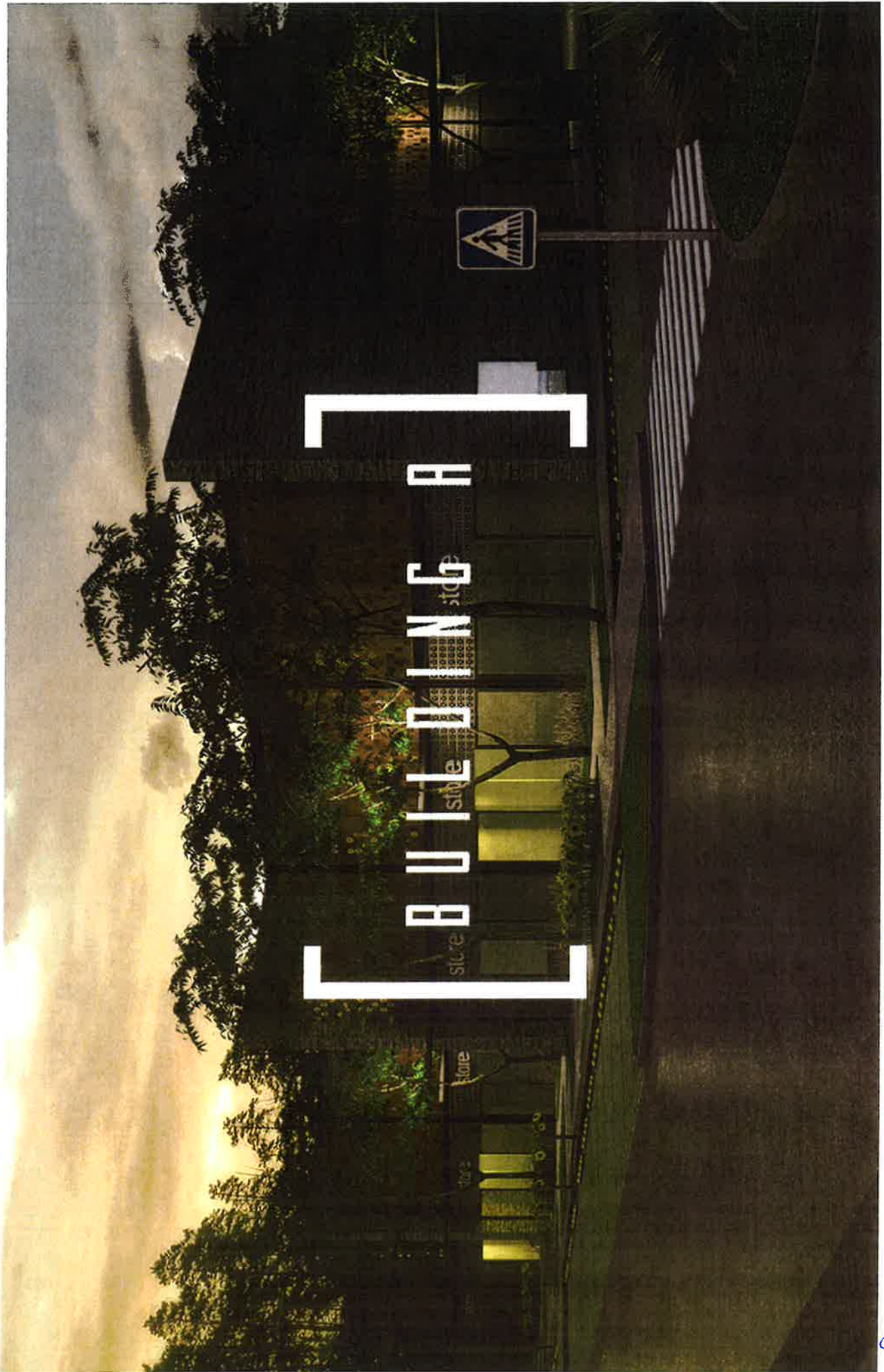
# [ FUENTES ]

*Simplicity and clarity, virtues of truth,  
are two key terms in their quest for  
architectural beauty*

*Sencillez y claridad, virtudes de la verdad, son  
dos términos claves en su búsqueda de la  
belleza arquitectónica*

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[ 2 ]



2V



[PLANTAS]



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## BUILDING A



Planta del edificio

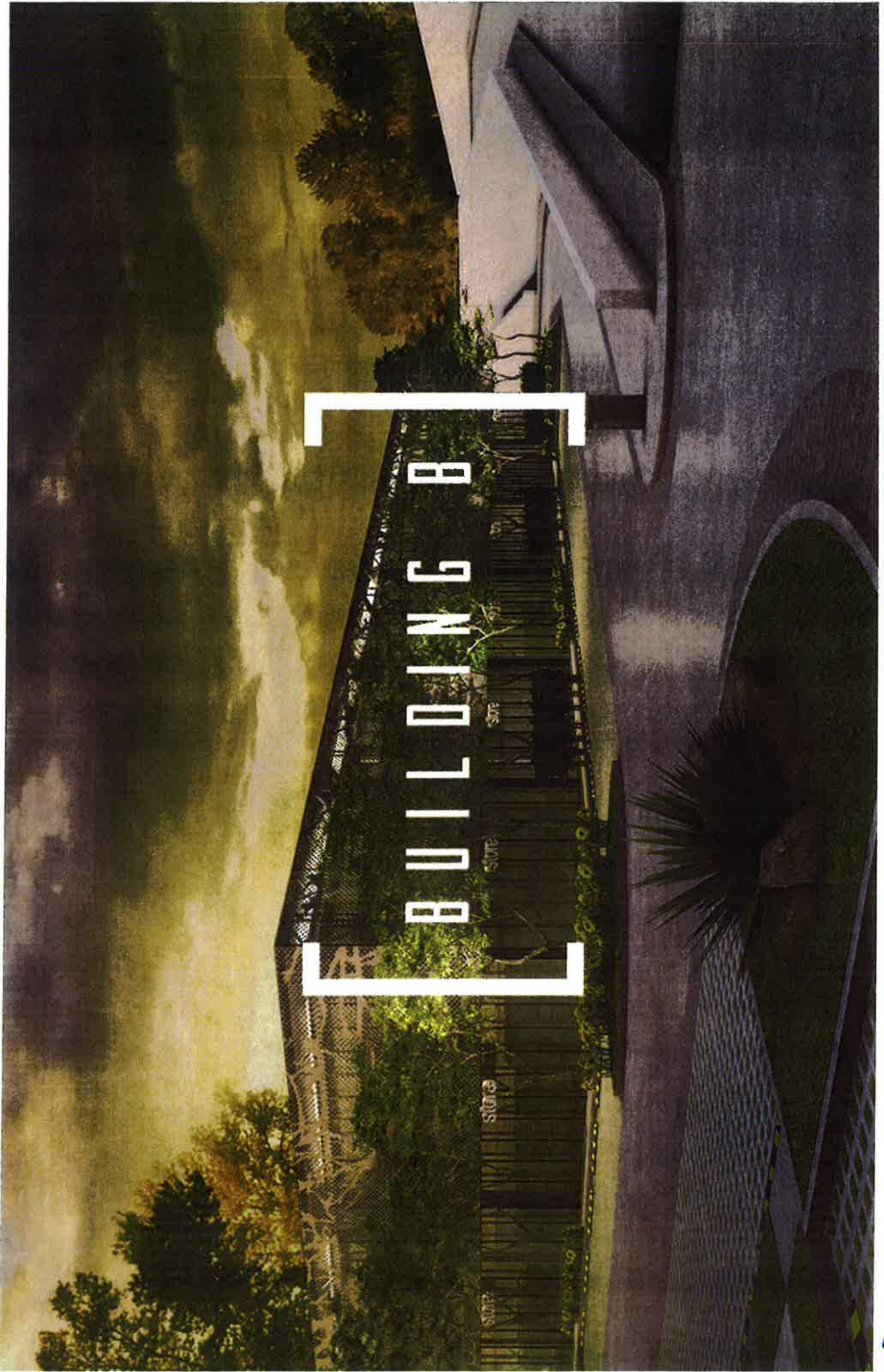


## BUILDING A

**FUENTES PLAZA** seeks maximum well-being and a unique experience for the users with the aim of increasing the productivity of the companies. The development is integrated of a great variety of commercial turns

**FUENTES PLAZA** busca máximo bienestar y una experiencia única para los usuarios con el objetivo de aumentar la productividad de las empresas. El desarrollo está integrado de una gran variedad de giros comerciales





# [PLANTAS]



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## BUILDING B



Planta del edificio

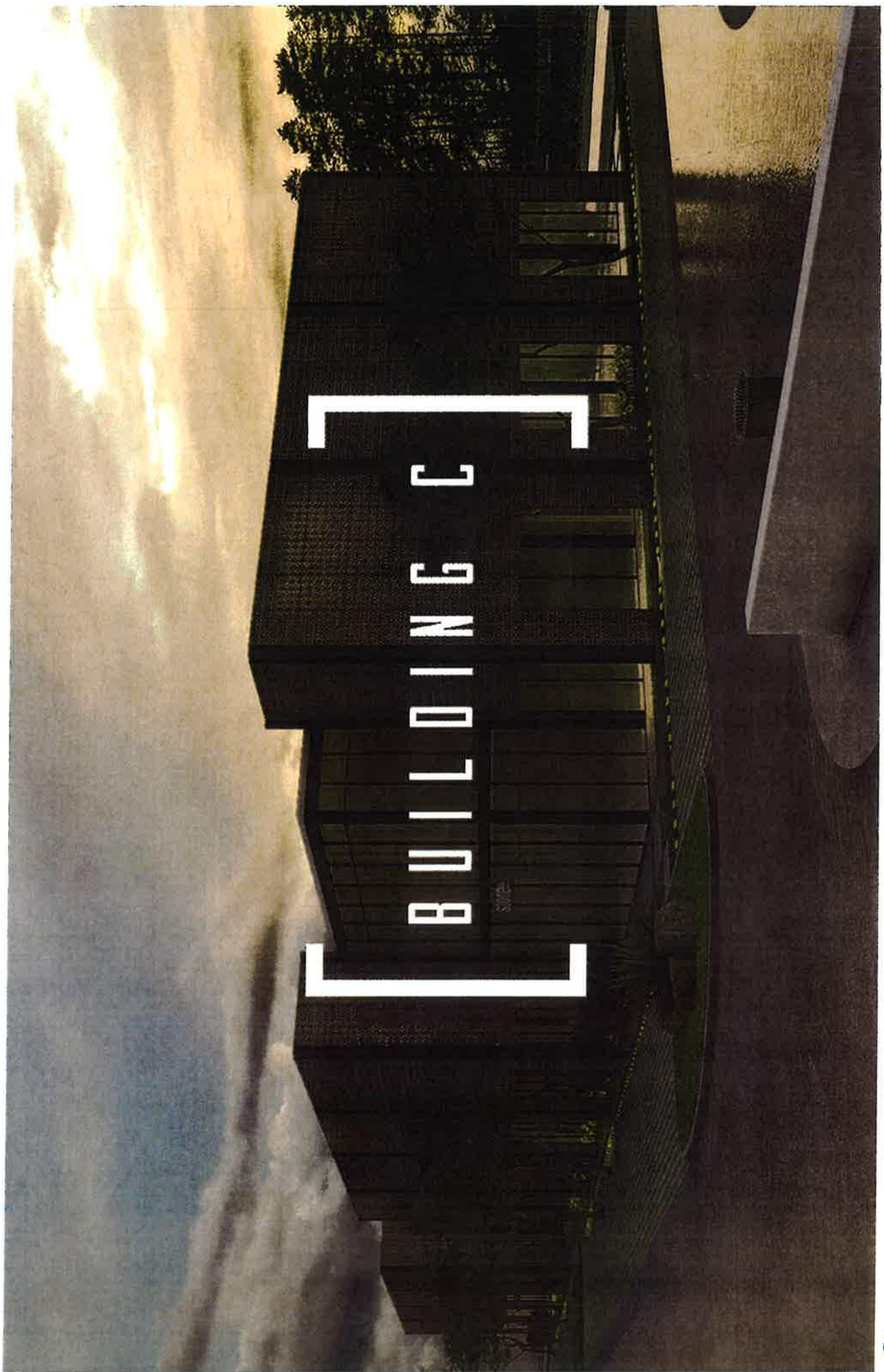




## BUILDING B

**FUENTES PLAZA** seeks maximum well-being and a unique experience for the users with the aim of increasing the productivity of the companies. The development is integrated of a great variety of commercial turns

**FUENTES PLAZA** busca máximo bienestar y una experiencia única para los usuarios con el objetivo de aumentar la productividad de las empresas. El desarrollo está integrado de una gran variedad de giros comerciales



2BR

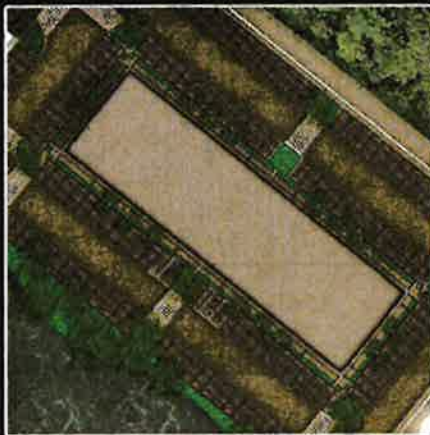


[PLANTAS]



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## BUILDING C



Planta del edificio

2cc



## BUILDING C

**FUENTES PLAZA** seeks maximum well-being and a unique experience for the users with the aim of increasing the productivity of the companies. The development is integrated of a great variety of commercial turns

**FUENTES PLAZA** busca máximo bienestar y una experiencia única para los usuarios con el objetivo de aumentar la productividad de las empresas. El desarrollo está integrado de una gran variedad de giros comerciales

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[12]

[ FUENTES  
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# [ FUENTES ]

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PZD BOOKLET

LAST PAGE



September 22, 2017

MINUTES OF NEIGHBORHOOD MEETING  
7301 TO 7501 MASSARD ROAD, FUENTES PLAZA

On September 21, 2017 at 4:30 p.m. a Neighborhood meeting was held in the community room at the Dallas Street branch of The Fort Smith Public Library. The address of the library is 8100 Dallas Street to discuss a proposed zoning change from not zoned to a PZD. The change was initiated by Alejandro Fuentes the owner of the property. The proposed project "Fuentes Plaza" is to be a mixed use facility. Potential commercial uses include a restaurant, salon, coffee shop, clothing stores, electronic repairs and sales, and a bike shop among others. The intent is to provide a pedestrian friendly environment that features commercial retail and services that may be accommodated in multi-use structures.

Sixteen people were in attendance. The City was represented by Maggie Rice of the Planning Department. Ron Brixey of Brixey Engineering presided. Scott Branton presented architectural information and Louis Lopez represented Mr. Fuentes. Twelve in attendance were local residents.

Mr. Brixey presented a general explanation of the proposed usage and land use possibilities, and limitations provided for in the PZD application. Mrs. Rice provided information concerning a future upgrade of Massard Road and limitations of the proposed zoning. Mr. Lopez contributed details concerning the overall scheme of operations.

Mr. Brixey pointed out changes to the plan that have been made in response to comments from the first meeting including a reduction in building size and in the number of parking spaces as well as creating addition green space along the Massard Road frontage.

A general discussion of the proposed usage and potential repercussions to the community was conducted. Items of concern included the following:

1. The proposed activities to be conducted.

Mr. Lopez answered several questions in this regard.

2. Effects on traffic, and plans for adding additional lanes to Massard Road, and plans for a traffic light at the Massard Road/ McClure Drive intersection

Mr. Brixey and Mrs. Rice addressed these concerns based on information provided by the City Engineering Dept.

The City has plans for the street improvements and proposes to commence construction of two additional lanes for Massard Road and a light at the McClure Drive intersection in 2018 or 2019.

2ff

3. A very general schedule of operations was presented by Mr. Brixey and Mr. Branton.  
It is estimated that preparation and approval of plans for the first structure designated as Building C (the southernmost building) will take approximately 6 months and construction will take 6 to 8 months. It seemed as though the residents were somewhat relieved that the street widening would be under way at a time fairly near to the commencement of operations for the proposed project.
4. Renderings of the proposed buildings and landscaping were presented by Mr. Branton.  
The general consensus was that the appearance will be attractive.
5. Mr. Jimmy Ramsey expressed concern that the proposed northernmost driveway is located such that headlights from vehicles exiting the site would shine across his back yard.  
Mr. Lopez said he would speak to the owner about this concern.

Items of concern discussed by the group in general included appearance, parking, landscaping, driveway locations, existing and future traffic, and continuation of commercial uses on the east side of Massard Road.

Some residents expressed objections to the proposal and some did not.

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### ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Library at 8100 Dallas Street

Meeting Time & Date 4:30 PM, September 21, 2017

Meeting Purpose Discuss Fuentes Plaza Rezoning

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Scott Branton	509 Crescent	459-7717
2.	Jane Sanders	7008 Milan Way	484-1151
3.	P. CHARTER	7109 n. 1st way	646-8425
4.	HILDA CALDWELL	6922 MILAN WAY	649-8865
5.	Beth Taylor	8000 Rome Way	652-3043
6.	Gary & M Canell	8004 Rome Way	651-7736
7.	AJ & Ann Lee	8008 Rome Way	434-4110
8.	Jimmy Ramsey	7908 Rome Way	499-221-8023
9. <sup>Karin</sup>	Richard Hahn	8121 Rome Way	285-5360
10.	Jon + Lynne Gustafson	7009 Naples Way	709-4607
11.	RON BRIXEY		
	LUIS LOPEZ		

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October 3, 2017

MINUTES OF NEIGHBORHOOD MEETING  
7301 TO 7501 MASSARD ROAD, FUENTES PLAZA

On October 2, 2017 at 4:30 p.m. a Neighborhood meeting was held in the community room at the Dallas Street branch of The Fort Smith Public Library. The address of the library is 8100 Dallas Street to discuss a proposed zoning change from not zoned to a PZD. The change was initiated by Alejandro Fuentes the owner of the property. The proposed project "Fuentes Plaza" is to be a mixed use facility. Potential commercial uses include a restaurant, salon, coffee shop, clothing stores, electronic repairs and sales, and a bike shop among others. The intent is to provide a pedestrian friendly environment that features commercial retail and services that may be accommodated in multi-use structures.

Eleven people were in attendance. The City was represented by Maggie Rice of the Planning Department, Ron Brixey of Brixey Engineering presided, Scott Branton is the project architect, and Louis Lopez represented Mr. Fuentes. Seven in attendance were local residents.

Mr. Brixey presented a general explanation of the proposed usage and land use possibilities, and limitations provided for in the PZD application. Mrs. Rice provided information concerning a future upgrade of Massard Road and limitations of the proposed zoning. Scott Branton presented architectural information. Mr. Lopez contributed details concerning the overall scheme of operations.

A general discussion of the proposed usage and potential repercussions to the community was conducted. Items of concern included the following:

1. The proposed activities to be conducted.

Copies of a Land Use Chart providing a listing of permissible uses to be included in the proposed zoning were distributed to the attendees.

Mr. Lopez answered several questions in this regard.

2. Effects on traffic, and plans for adding additional lanes to Massard Road, and plans for a traffic light at the Massard Road/ McClure Drive intersection

Mr. Brixey and Mrs. Rice addressed these concerns based on information provided by the City Engineering Dept.

The City has plans for the street improvements and proposes to commence construction of two additional lanes for Massard Road and a light at the McClure Drive intersection in 2018 or 2019. It is a possibility that the schedule might be moved up, depending on several factors, primarily traffic congestion.

3. A very general schedule of operations was presented by Mr. Brixey and Mr. Branton.

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It is estimated that preparation and approval of plans for the first structure designated as Building C (the southernmost building) will take approximately 6 months and construction will take 6 to 8 months. It seemed as though the residents were somewhat relieved that the street widening would be under way at a time fairly near to the commencement of operations for the proposed project.

4. Renderings of the proposed buildings and landscaping were presented by Mr. Branton.

The general consensus was that the appearance will be attractive.

5. There was a concern that the proposed buildings would provide a vantage point to look into the back yards of the residences across Massard Road.

It was pointed out that construction of the additional lanes of Massard Road will require a break in the topography which will at least partially block the view and that the required landscape screening of the parking lot adjacent to Massard Road will also partially block the view. The view from second floor offices proposed for Building A will be screened to some degree by landscape trees adjacent to the building.

6. The number of proposed parking spaces was a concern.

Mr. Brixey stated that the originally proposed number of parking spaces has been significantly reduced to a point where the number of spaces currently proposed is very near the minimum required for the proposed uses as defined by City UDO requirements.

Items of concern discussed by the group in general included appearance, parking, landscaping, driveway locations, existing and future traffic, and continuation of commercial uses on the east side of Massard Road.

No objections specific to the proposal were noted. The atmosphere was more of concern over details than objection to the project.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Library at 8100 Dallas Street

Meeting Time & Date 4:30 PM, October 2, 2017

Meeting Purpose Discuss Fuentes Plaza Rezoning

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Brandon Pox	7325 Ellsworth Rd	479 651 5875
2.	Beck Alst	7916 Rome Way	419-461-0825
3.	Robyn Capetola	7109 Milan Way	646-88425
4.	Hilda Caldwell	6922 Milan Way	649-8865
5.	Maryjane Black	7004 Milan Way	479-651-5313
6.	Beck Boughman	8212 Cistern Way	646 6947
7.	Bill Kincannon	6904 Milan Way	501 514 3644
8.	Margie Rice	City of Fort Smith	
9.	Charles Mock		479-652-4565
10.	RON BRIDGEMAN		
11.	LUIS LOPEZ		

2kk

## Rice, Maggie

---

**From:** Brandon Cox [bcox@propak.com]  
**Sent:** Tuesday, October 03, 2017 8:08 AM  
**To:** Rice, Maggie  
**Subject:** Comments

Good morning Maggie,

My comments are below in regards to the PZD near Stonebrook:

- Please make sure the commissioners know this area was for residences in the master plan in 2011. If it's changed to commercial, then we need to ensure its neighborhood commercial.
- The maximum height requested is 40 feet in the PZD. I would suggest changing the maximum height to the 24 – 30 feet that the architect and owner said the building height would be. Also, a maximum of 2 stories.
- He has reduced his parking space to 229 (which is still a lot). I want to make sure we don't have more parking per building and per SF than what's on this plan and I would suggest no more parking than what's drawn can be in front of the buildings.
- He doesn't have a development plan. IF this is approved without a development plan, then please ensure it's only this concept drawing that can be built with similar sized buildings & shrubbery to what's shown on the plan. The plan looks good, but if the concept drawing is not the final plan then I would not approve. There are too many \$400K houses right next to this site.
- In addition, I would give thought to some of the PZD permitted uses being conditional uses such as:
  - Restaurant
  - Bicycle sales & service
  - Pet Shop
  - Farmers Market
- I would make sure we have a professional opinion on safety for two drives on Massard with one very near a busy intersection as well as near Stonebrook drive.

The plan looks very nice and I wish the gentlemen the best of luck, but we need assurances that the project will not negatively affect the Stonebrook property values.

Regards,

Brandon

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** September 25, 2017

**Re:** Home Occupation #4-10-17 - A request by Julia Fulbright Miller, owner, for Planning Commission consideration of a hair salon in a Residential Multifamily Medium Density (RM-3) zone at 4223 Johnson Street

## **PROPOSED HOME OCCUPATION**

The owner would like to have her hair salon in her residence rather than in a commercial location due to a drop in business.

## **LOT LOCATION AND SIZE**

The subject property is on the north side of Johnson Street between North Albert Pike Avenue and North 44<sup>th</sup> Street. The tract contains an area of 0.12 acres with approximately 40 feet of street frontage along Johnson Street.

## **EXISTING ZONING**

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

### **Purpose:**

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

### **Permitted Uses:**

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.



### **Conditional Uses:**

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 6,500 square feet

Maximum Height - 40 feet (1+1)

Maximum Density – 20 Dwelling Units/Acre

Maximum Lot Coverage - 65%

Minimum Lot Width at Building Line – 60 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Side/Rear adjacent to RS district/development – 30 feet

Minimum building separation – 10 feet

### **SURROUNDING ZONING AND LAND USE**

The areas surrounding this property are zoned Residential Multifamily Medium Density (RM-3) and are developed as one and two family dwellings.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Johnson Street as a Local Road.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Residential Detached. This classification is to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

### **PLANNING COMMISSION AUTHORITY**

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

### **COMPATIBILITY/CONDITIONS**

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

### **STAFF COMMENTS AND RECOMMENDATIONS**

The parking for this home occupation is on property adjacent to this lot. Ms. Miller explains her family has an agreement with the property owner to park on this adjacent lot. A letter from Ms. Miller explaining this situation is enclosed in your packet. Additionally, Ms. Miller indicates her hours will be 8:30 a.m. – 6:30 p.m. Tuesday – Saturday.

In addition to Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

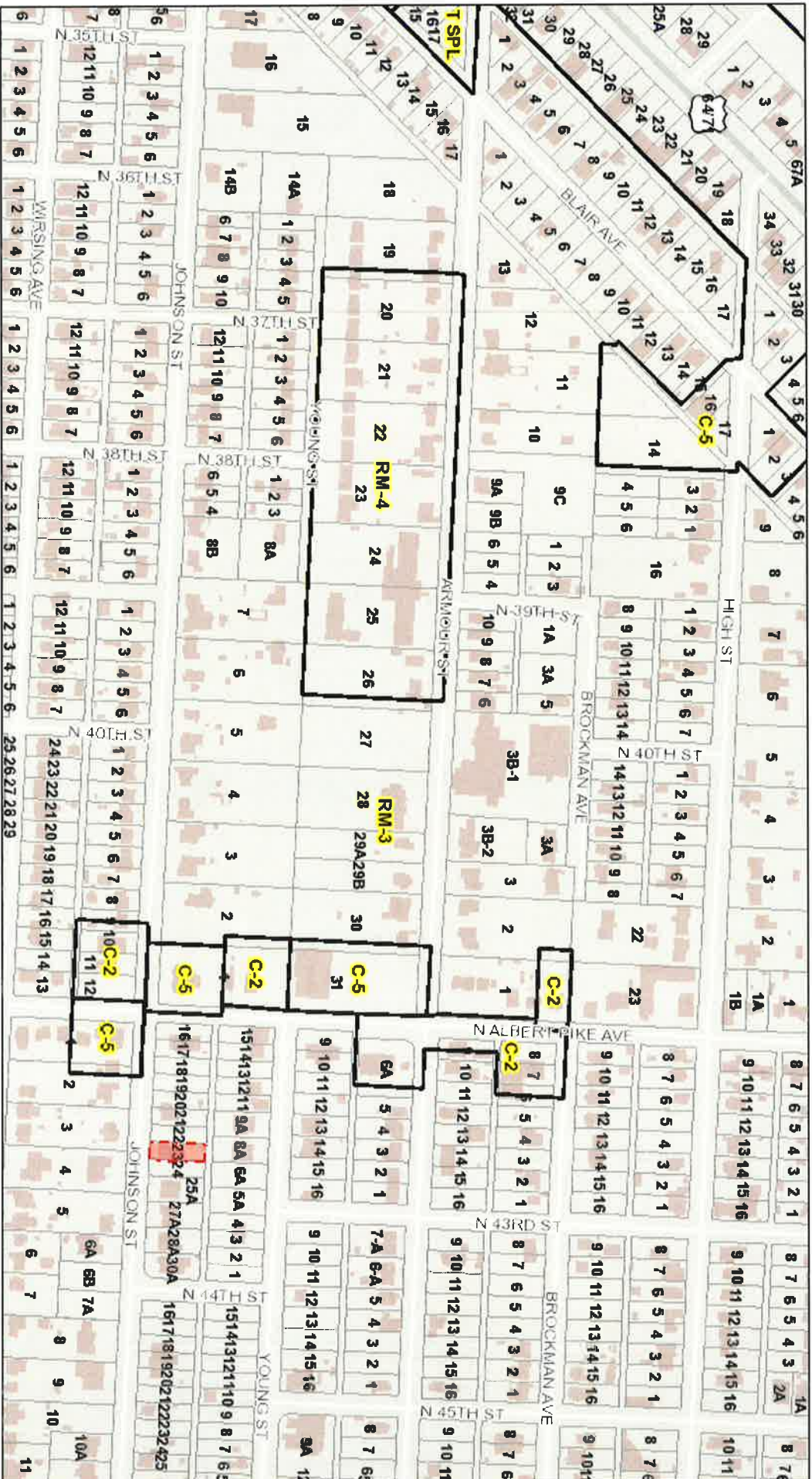
1. The business license cannot be transferred to another residence without a new Home Occupation Application.
2. A 5lb dry powder fire extinguisher is required to be installed within the salon area. It shall be inspected and tagged by a qualified service technician annually.
3. All required plumbing, electrical and ventilation changes will require a building permit.

## HOME OCCUPATION REQUIREMENTS

### Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
11. The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.
12. A commercial trash container shall not be utilized.
13. All vehicles shall be parked in compliance with Section 14-52, Section 14-54, and Section 14-55 of the Fort Smith Municipal Code.

$3E$ 

September 19, 2017


**Fort Smith City Limits**

**Zoning**

## Subdivisions

## Water Bodies

Public Schools


**Parks**

1:3,811



**APPLICATION FOR HOME OCCUPATION**

(Please print or type)

Name of Applicant: Julia Fulbright Miller

Legal Description of property included in the home occupation request:

Street Address of Property: 4223 Johnson St., Ft. Smith, AR 72904

Zone Classification: \_\_\_\_\_

Type of Business Requested: Beauty - Hair Salon

\_\_\_\_\_  
\_\_\_\_\_

Signed:

Julia F. Miller  
Applicant's Name (please print)

479-461-3053  
Phone Number of Applicant

4223 Johnson St. Ft. S, AR 72904  
Applicant Mailing Address

Julia Miller  
Applicant  
9-14-17  
Date

same  
Property Owner

\_\_\_\_\_  
Date

(if rental property)

3F

Home Occ. # \_\_\_\_\_

**HOME OCCUPATION INFORMATION FORM**

1. Describe what type of business you are requesting. Hair styling

2. Will this business be completely contained in the residential structure? Yes ☒ No ☐

If no, described location. \_\_\_\_\_

3. What percentage of the residential floor area will be required to operate the business?

1 Room

4. Will operation of the business utilize any persons other than members of the immediate household? Yes ☐ No ☒

5. At what hours and days of the week do you plan to operate the business? 8:30-6:30 Tues-Sat.

6. Will there be any noise NO, odor NO, or other outdoor activity NO associated with the business? If yes, explain. \_\_\_\_\_

7. Will materials or supplies be stored at this location? Yes ☒ No ☐

8. How much storage will be needed? 1-2 Shelves or closet

9. Will merchandise be sold at this location? Yes ☐ No ☒ If yes, explain. \_\_\_\_\_

10. Will you have any business vehicles? Yes ☐ No ☒ If yes, describe below.

Type of Vehicle:

Make \_\_\_\_\_ Model \_\_\_\_\_

Color \_\_\_\_\_ Length (trailer) \_\_\_\_\_

11. Will this business require any license, certification, accreditation other than a city occupation license? Yes ☒ No ☐ What type? cosmetology establishment license

12. Can you operate this business by appointment only? Yes ☒ No ☐

Explain: Most clients have regularly scheduled appointments

34

13. Will customers come to this location? Yes ☒ No ☐
14. How many customers do you expect to have coming to your home at any one time?  
2
15. Do you expect any drop-in customers? Yes ☐ No ☒
16. How do you plan to provide parking for customers? empty lot next to my house or my drive way
17. Do you plan to advertise this business? Yes ☐ No ☒  
If yes, by what methods? \_\_\_\_\_
18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes ☒ No ☐
19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes ☒ No ☐
20. Will the Home Occupation require a commercial trash container (dumpster)?  
Yes ☐ No ☒
21. Do you own or rent this property? own
22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.
23. Do you live at this location? Yes ☒ No ☐
24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?  
Yes ☒ No ☐
25. Provide any other information that you feel helpful.  
Nearing retirement age, lost husband 2 months ago,  
decline in business. would like to cut expenses down  
to one place.



**LETTER REGARDING RESTRICTIVE COVENANTS**

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

None  
Juana Muller  
9-14-17

## Parking Plan



The vacant lot next to my home has been used and maintained by my family for 22 years. It has been graveled for our convenience many years ago. I plan for my customers if so granted and family and friends to continue to use this lot for parking. I have attached a permission letter from the owner of the lot for the continued use of the lot. I am going to purchase this lot from the owners in the near future as it will be a nice addition to my property. I currently have an agreement with the property owner to purchase the lot, pending sale of my beauty shop on Midland Blvd. I have not delineated any specific parking spaces; however will gladly do so if needed.

Julia Miller  
9-14-17

39

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** September 26, 2017

**Re:** Home Occupation #5-10-17 - A request by Andres Mejia, owner, for Planning Commission consideration of a painting and drywall business located at 5418 Spradling Court

## **PROPOSED HOME OCCUPATION**

The home occupation if approved will allow for the applicant to operate a painting and drywall business. The applicant plans to utilize the existing storage building on the property in conjunction with the business.

## **LOT LOCATION AND SIZE**

The subject property is on the southeast corner of Spradling Avenue and Spradling Court intersection. The tract contains an area of 0.21 acres with approximately 63 feet of street frontage along Spradling Avenue and 150 feet of street frontage along Spradling Court.

## **EXISTING ZONING**

The existing zoning on this tract is Residential Single Family Medium/High Density (RS-3). Characteristics of this zone are as follows:

### **Purpose:**

To provide for medium-to-high density, compact single family detached development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family districts and the multifamily of commercial districts. RS-3 zoning is appropriate in urban and suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

### **Permitted Uses:**

Single-family dwellings and family group homes are examples of permitted uses.



### **Conditional Uses:**

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 6,500 square feet  
Maximum Density – 6.7 Dwelling Units/Acre  
Minimum Lot Width at Building Line – 60 feet  
Minimum Street Frontage – 20 feet  
Front Yard Setback - 25 feet  
Side Yard on Street Side of Corner Lot - 25 feet  
Side Yard Setback – 7.5 feet  
Rear Yard Setback - 10 feet  
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)  
Maximum Lot Coverage - 60%

### **SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is developed as a single family residence.

The areas to the east, south, and west are zoned Residential Single Family Medium/High Density (RS-3) and are developed as single family residences.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Spradling Avenue and Spradling Court as local roads.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

### **PLANNING COMMISSION AUTHORITY**

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

### **COMPATIBILITY/CONDITIONS**

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was not required or held.

### **STAFF COMMENTS AND RECOMMENDATIONS**

During the study session, it was noted there were several cars parked in violation of the Fort Smith Parking Regulations. The applicant was made aware that these cars will need to be moved and parked in compliance with the ordinance.

In addition to Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

1. The business license cannot be transferred to another residence without a new Home Occupation Application.
2. All trash and debris shall be properly disposed of and not returned to the house.

## HOME OCCUPATION REQUIREMENTS

Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
11. The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.
12. A commercial trash container shall not be utilized.
13. All vehicles shall be parked in compliance with Section 14-52, Section 14-54, and Section 14-55 of the Fort Smith Municipal Code.

4D



# Home Occupation #5-10-17: Painting and Drywall Business 5418 Spradling Avenue

FE



September 19, 2017

Fort Smith City Limits

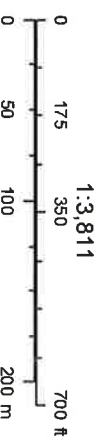
Zoning

Subdivisions

Water Bodies

Public Schools

Parks



**APPLICATION FOR HOME OCCUPATION**

(Please print or type)

Name of Applicant: Andres Mejia

Legal Description of property included in the home occupation request:

Street Address of Property: 5418 Spradling Ave Fort Smith AR

Zone Classification: \_\_\_\_\_

Type of Business Requested: Residential-Commercial painting  
and Drywall

Signed:

Andres Mejia  
Applicant's Name (please print)

(479) 221-1623  
Phone Number of Applicant

\* 09-14-2017  
Applicant

\* 09-14-2017  
Date

\* 5418 Spradling Ave Fort Smith AR 72904  
Applicant Mailing Address

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

(if rental property)

Home Occ. # \_\_\_\_\_

**HOME OCCUPATION INFORMATION FORM**

1. Describe what type of business you are requesting. Residential - Commercial  
painting and Drywall

\* 2. Will this business be completely contained in the residential structure? Yes ☒ No ☒ K-M

If no, described location. \_\_\_\_\_

\* 3. What percentage of the residential floor area will be required to operate the business?

10%

4. Will operation of the business utilize any persons other than members of the immediate household? Yes \_\_\_\_\_ No ☒

5. At what hours and days of the week do you plan to operate the business? 7:00 A.M. - 5 P.M.

6. Will there be any noise NO, odor NO, or other outdoor activity associated with the business? If yes, explain. \_\_\_\_\_

7. Will materials or supplies be stored at this location? Yes ☒ No ☒

\* 8. How much storage will be needed? 40 SF 100 FT

9. Will merchandise be sold at this location? Yes \_\_\_\_\_ No ☒ If yes, explain. \_\_\_\_\_

10. Will you have any business vehicles? Yes ☒ No \_\_\_\_\_ If yes, describe below.

Type of Vehicle:

Make Toyota Model Tundra

Color Red Length (trailer) NO

\* 11. Will this business require any license, certification, accreditation other than a city occupation license? Yes ☒ No ☒ What type? K-M

12. Can you operate this business by appointment only? Yes ☒ No \_\_\_\_\_

Explain: \_\_\_\_\_



13. Will customers come to this location? Yes \_\_\_\_ No ☒

\* 14. How many customers do you expect to have coming to your home at any one time?

0

15. Do you expect any drop-in customers? Yes \_\_\_\_ No ☒

\* 16. How do you plan to provide parking for customers? Park in My Driveway  
M/A

\* 17. Do you plan to advertise this business? Yes ☒ No \_\_\_\_

If yes, by what methods? By Schedule Business card- emails etc.

18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes ☒ No \_\_\_\_

19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes ☒ No \_\_\_\_

20. Will the Home Occupation require a commercial trash container (dumpster)?  
Yes \_\_\_\_ No ☒

21. Do you own or rent this property? owner

22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.

23. Do you live at this location? Yes ☒ No \_\_\_\_

24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?  
Yes ☒ No \_\_\_\_

25. Provide any other information that you feel helpful.

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HH

## LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

Lot: 18

subdivision: spradling Place Addition

School District: 99FS NBHD CODE: MARKET: FS

ACRES:

TIMBER

OLD PARCEL: 26489

LEGAL DESCRIPTION: 02-08-32

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

NONE

## Monaco, Tom

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**From:** Monaco, Tom  
**Sent:** Thursday, September 28, 2017 11:30 AM  
**To:** Planning Email Group  
**Subject:** 5418 Spradling Avenue

I received a call from Mr. Haynes at 5321 Spradling Avenue with questions about the proposed business. He has no objections to it. I will put a copy of this in the file and one in the packet.

Tom Monaco  
City Planner  
City of Fort Smith  
P.O. Box 1908  
623 Garrison Avenue Suite 331  
Fort Smith, AR 72902  
O - (479) 784-2218  
F - (479) 784-2462  
tmonaco@fortsmithar.gov

## Subdivision Variance

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** September 25, 2017

**Re:** Variance #2-10-17 - A request by Nicole Swanson, agent for ERC Holdings, LLC, for Planning Commission consideration of a subdivision variance request from 10' to 5' width of landscape area and from the tree requirements at 9101 Custer Boulevard

The applicant has requested that the planning commission table the subdivision variance application to the November meeting. Staff has discussed some possible modifications to the landscaping plan with Ms. Swanson with ERC and Adam Lesso with McClellan Consulting Engineers. As a result, ERC will revise their variance application.

Staff recommends that the application be tabled until the November planning commission meeting.

5A



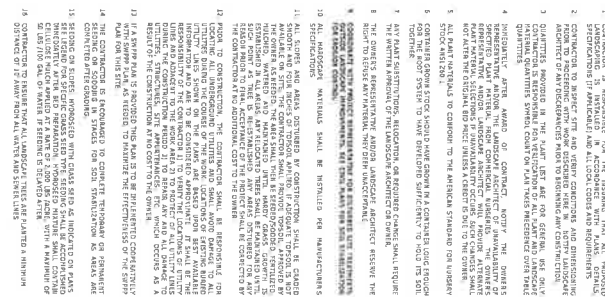
# Subdivision Variance #2-10-17: from 10' to 5' minimum landscape width and from required trees 9101 Custer Boulevard

5B



September 25, 2017

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks



APPLICATION FOR VARIANCE FROM SUBDIVISION DESIGN  
AND IMPROVEMENT STANDARDS

Owner or Agent Name (*please print*): Nicole Swanson

Street Address or Location: 9101 Custer Blvd. , Fort Smith, AR

Legal Description of Property (attach separate sheet if necessary)

See attached

Zone RSD3

Specific article and section of the Unified Development Ordinance which necessitates the subdivision variance request:

Article: 27-500

Section: 27-503-11,

The specific request is as follows

I. ) Variance request on Veterans from 10ft buffer required

to a 5 ft. buffer. The requested 5 ft. buffer is section is 250ft long and runs from the corner of Custer Blvd. and Veterans to the edge of the pond on the property.

A variance to relocate proposed trees for approximately 200 feet north of Chanel Place to Custer Blvd due to conflicts with Sanitary sewer and water.

5102 S. Pinnacle Parkway, Rogers, AR Signed  
72758

Owner or Agent Mailing Address

Owner

479-478-5103

Owner or Agent Phone Number

  
Agent

Variance #

2-10-17

50

### VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-8 Subsection B) of the Fort Smith Unified Development Ordinance defines the criteria for granting a subdivision variance.

In considering such appeals, the Planning Commission may, where the literal enforcement of these regulations would result in unnecessary hardship, consider deviation from the strict application of any part of these regulations, where in its judgment the public convenience and welfare will be substantially served, the neighboring property will not be substantially injured, and a reasonable development and improvement of property will be permitted. In approving appeals or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of these regulations. (Ord. No. 101-88, art. 3.5, 1-21-89; Ord. N. 6-91, subsection 1, 2-6-91)

1. Describe how the strict enforcement of the Development Regulations causes an undue hardship for your project:

See attached Exhibit A

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2. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

See attached exhibit A

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5E



**LIST OF OWNERS OF ALL ADJACENT & CONTIGUOUS PROPERTY**

(Please Type or Print)

The Planning Department is required to give notice (in writing) of this application to all surrounding property owners. List the name and address of the owner of every piece of property adjacent and contiguous to any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse - Room 107. Please call the Tax Assessor's Office at 783-8948 for an appointment. (The Planning Department will mail the notices for you.)

	<u>NAME</u>	<u>ADDRESS</u>
1.	Bost Inc	Bost Inc. PO Box 11495, Fort Smith, AR
2.	<del>12917</del>	12917
3.	Arkansas Game & Fish Comm.	2 Natural Resource Dr,
4.		Little Rock, AR 72205
5.	R. V. M. INC	PO Box 181060, Fort Smith, AR
6.		72918
F.	Blake Properties	Rodney Blake, 1019 W. Deer Wood Dr
G.		Greenwood, AR 72936
H.	Clark Bower Properties	PO Box 701, Lavaca, AR 72941
I.		
J.	Fr. Smith School District	3205 Jenny Lind Rd, Attn: Bettye
K.		Labrum, Fort Smith, AR 72401
L.		
M.		
N.		
O.		
P.		



## EXHIBIT A

5102 South Pinnacle Hills Parkway  
Rogers, AR 72956  
www.erc.com

### Variance Request – Stonecrest

ERC Holdings requests variances as outlined below on the property located at Wells Lake Blvd and Custer Blvd. (parcel #40001-0000-00510-00). The address is 9101 Custer Blvd. ERC requests a variance from the landscape requirements for subdivisions.

### UDO Requirements Landscape

- Perimeter landscaping shall be located along the entire perimeter of the subdivision that fronts the right-of-way of a public street. The perimeter landscaping shall be located on the subdivision property. The landscaping shall be parallel and adjacent to the public right-of-way line. A ten-foot wide landscaped area is required and shall be located on the property parallel and adjacent to the public street right-of-way line.

### ERC proposed landscape buffer width and tree location

- ERC proposes a 5ft buffer along Veterans Blvd. Due to the unique topography of the site as well as the large pond on site. These unique challenges force a site design that allows no additional room for a landscape buffer wider than 5ft in this location. The requested 5 ft buffer is section is 250ft long and runs from the corner of Custer Blvd. and Veterans to the edge of the pond on the property.
- A variance to relocate proposed trees for approximately 200 feet north of Chanel Place to Custer Blvd due to conflicts with Sanitary sewer and water.

54

### **AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a subdivision variance by application do hereby authorize Nicole Swanson to act as our agent in the matter.  
( Print name of Agent)

(Type or clearly print)

#### **NAMES OF ALL OWNERS.**

1. ERC Holdings, LLC Rod Coleman
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_

#### **SIGNATURE OF ALL OWNERS.**

Rod Coleman

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*This form necessary only when the person representing this request does not own all the property.*

## Variance

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** October 6, 2017

**Re:** Variance #32-10-17 - A request by Ken Kupchick, agent for Antioch Consolidated Association for Youth and Family, Inc., for Board of Zoning Adjustment consideration of a zoning variance request from 25 feet to 8 feet 4.5 inches front yard setback located at 1420 North 32<sup>nd</sup> Street

### **REQUESTED VARIANCE**

Approval of the variance will allow the construction of a pergola on the front of the building to provide a sheltered waiting area for individuals seeking food assistance.

### **LOT LOCATION AND SIZE**

The subject property is on the east side of North 32<sup>nd</sup> Street between North L Street and North M Street. The tract contains an area of 0.9 acres with approximately 138 feet of street frontage along North 32<sup>nd</sup> Street.

### **EXISTING ZONING**

The existing zoning on this tract is Industrial Light (I-1). Characteristics of this zone are as follows:

#### **Purpose:**

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

#### **Permitted Uses:**

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

6A



### **Conditional Uses:**

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Arterial or higher	

### **SURROUNDING ZONING AND LAND USE**

The areas to the north and west are zoned Industrial Light (I-1) and are developed as a wire manufacturing plant.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and developed as a gas well site.

The areas to the south are zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies North 32<sup>nd</sup> Street as a local road.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Mixed Use R (predominately residential). This classification is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation.

### **APPLICANT HARDSHIP**

The applicant states that the house to the south of the property is already encroaching the setback onto the property line. The applicant further explains that the USDA requires anyone seeking food assistance to be sheltered from the elements.

6B

### **NEIGHBORHOOD MEETING**

The neighborhood meeting was waived, based on compliance with the criteria in UDO Section 27-337-5.

### **GRANTING OF A VARIANCE**

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

### **STAFF COMMENTS AND RECOMMENDATIONS**

It appears the addition will not extend any closer to the North 32<sup>nd</sup> Street right-of-way than other structures on the street.

If the BZA is inclined to approve the variance, staff recommends the following condition:

Any exterior site lighting shall be shielded and not create any light trespass onto the adjacent residential property.

6C

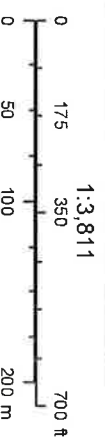
# Variance #32-10-17: From 25' to 8'-4.5" front yard setback 1420 North 32nd Street

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September 19, 2017

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks





# 1420 N 32nd Street VARIANCE

Write a description for your map.

- Legend**
- Feature 1
  - Untitled Polygon

Residence

auto paint & body

Wire Fence MFG

1420 N 32nd St

Residence

Contractors Shop and Storage

Residence

Church

Contractor's Shop and Storage/mini storage







# APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Urbandale, Lots 12-22, Block 11

Address of property 1420 N. 32nd, Existing or Proposed

Zoning Classification Industrial Light (F-1) has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

## Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FROM

TO

25'

- 8' 4 1/2"

Front Yard Setback <sup>FROM PROPERTY LINE</sup> or Minimum Distance from Right-of-Way

\_\_\_\_\_- \_\_\_\_\_ Exterior Side Yard Setback

\_\_\_\_\_- \_\_\_\_\_ Interior Side Yard Setback

\_\_\_\_\_- \_\_\_\_\_ Rear Yard Setback

\_\_\_\_\_- \_\_\_\_\_ Maximum Height of Structure

\_\_\_\_\_- \_\_\_\_\_ Minimum Distance Between Structures on the Same Lot

\_\_\_\_\_- \_\_\_\_\_ Minimum Lot Area (Square Feet)

\_\_\_\_\_- \_\_\_\_\_ Minimum Lot Frontage

\_\_\_\_\_- \_\_\_\_\_ Maximum Size of a Sign

\_\_\_\_\_- \_\_\_\_\_ Other: \_\_\_\_\_

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 14 day of SEPTEMBER, 2017.

Signed:

KEN KUPCHICK

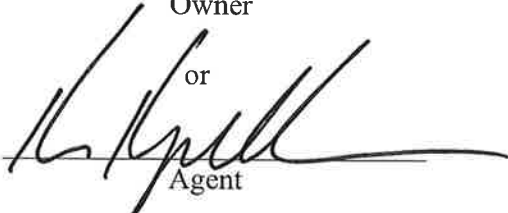
Owner or Agent Name (*please print*)

479-883-9273

Owner or Agent Phone Number

46 HILAND DRIVE, FORT SUMNER AZ 86001

Owner or Agent Mailing Address

\_\_\_\_\_  
Owner  
or  
  
Agent

Variance # \_\_\_\_\_

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## VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

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Explanation of question #4 (if applicable)

N/A

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

FAMILIES IN NEED OF FOOD ASSISTANCE OFTEN ARRIVE WELL BEFORE OPERATING HOURS. THE USDA REQUIRES THAT ANYONE SEEKING FOOD ASSISTANCE BE SHELTERED FROM THE ELEMENTS. THE WALKWAY AND PERGOLA WILL PROVIDE SHELTER, AND WITHOUT IT, WE CANNOT OFFER USDA COMMODITIES OR PROVIDE A DRY AND COMFORTABLE WAITING AREA.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

THE HOUSE DIRECTLY SOUTH IS BUILT TO WITHIN 6' OF THE ROAD (N. 32ND STREET) (ON PROPERTY LINE)

6J

### LETTER REGARDING RESTRICTIVE COVENANTS

Restrictive covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

*See Attached*

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

*See Attach*

*6K*

### AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a variance by application do hereby authorize KEN KUPCHICK to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

1. ANTIOCH CONSOLIDATED ASSOCIATION

2. FOR YOUTH AND FAMILY, INC.

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

13. \_\_\_\_\_

SIGNATURE OF ALL OWNERS.

[Signature]

FOUNDER AND DIRECTOR

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

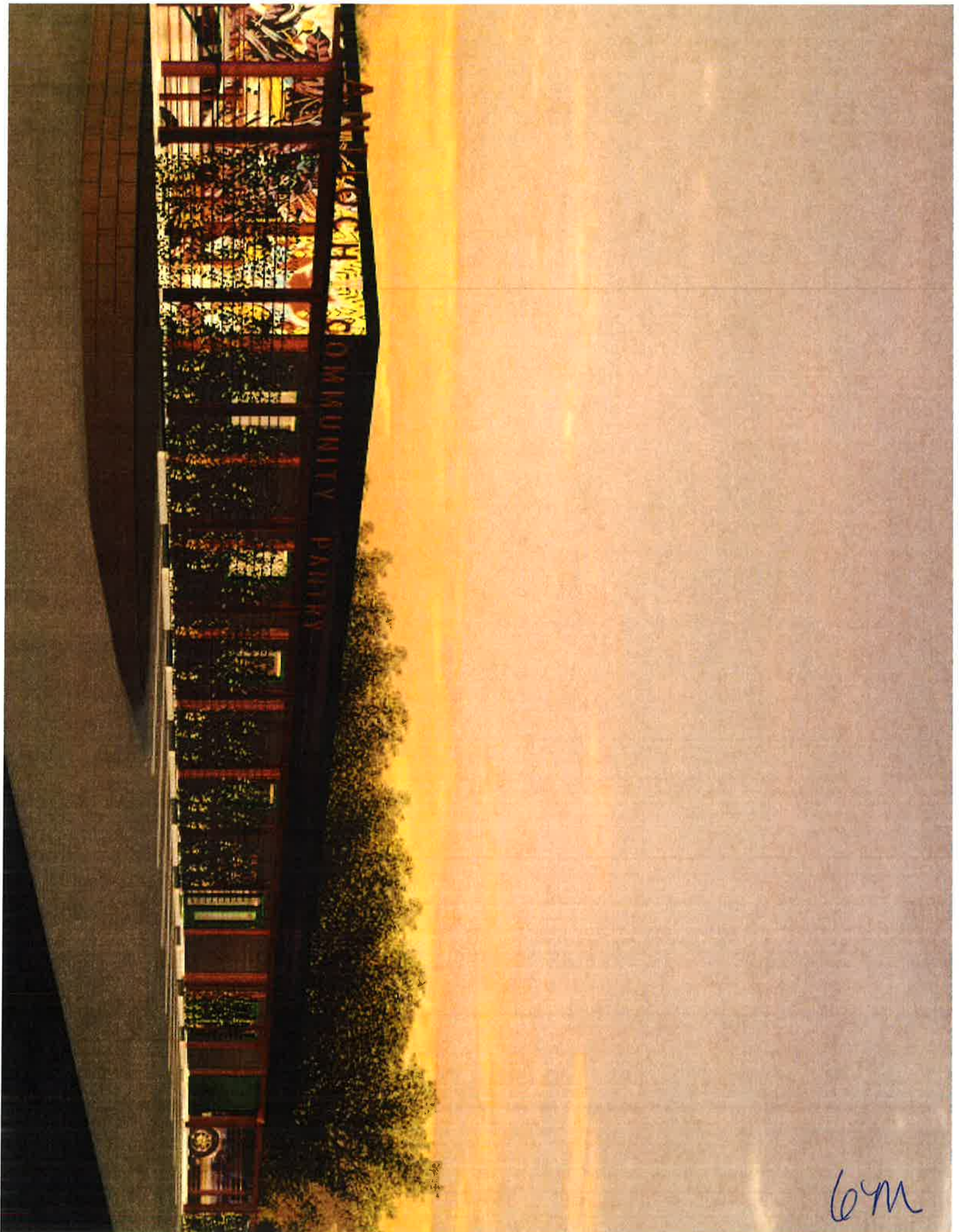
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*This form is necessary only when the person representing this request does not own all the property.*

62



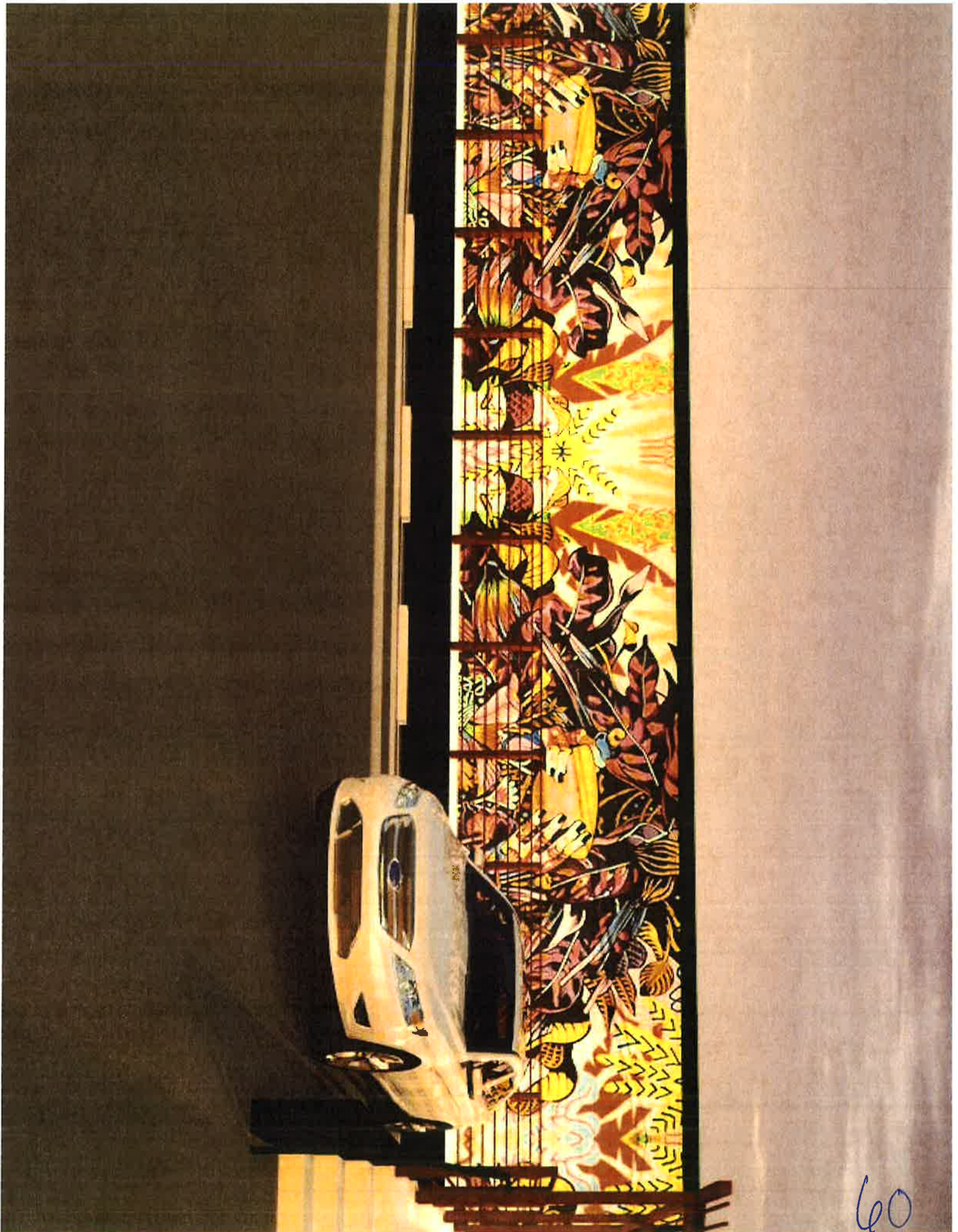
64m



ANTIÖCH  
COMMUNITY  
PANTRY

642





60